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NOTICE

 The undermentioned Gazettes of India Extraordinary were published upto the 11th June, 1963:—

Issue No.	No. and Date	Issued by	Subject
102	S.O. 1591, dated 6th June, 1963	Ministry of Finance	Amendment to S.O. 3644 dated 29th November, 1962.
103	S.O. 1592, dated 6th June, 1963	Do.	Amendments to the bye-laws of the Stock Exchange, Bombay.
	S.O. 1593, dated 6th June, 1963	Do.	Amendments to the bye-law ^s of the Madras Stock Exchange Ltd., Madras.
104	S.O. 1594, dated 7th June, 1963.	Delimitation Commission.	Proposals for the division of the Union Territory of Goa, Daman and Diu into two single-member Parliamentary constituencies, etc.
105	S.O. 1595, dated 7th June, 1963.	Ministry of Information and Broadcasting.	Approval of films specified therein.
	S.O. 1596, dated 7th June, 1963.	Do.	Corrigendum to S.O. 1387, dated 18th May 1963.
106	S.O. 1597, dated 7th June, 1963.	Ministry of Labour and Employment.	Order under the Defence of India Rules.
	S.O. 1598, dated 7th June, 1963.	Do.	Declaration that employment in the erection of Dhuyaran Thermal Power Station in Kaira District shall be an employment to which rule 126AA of Defence of India Rules, 1962, shall apply.
107	S.O. 1599, dated 10th June, 1963.	Ministry of Finance	Amendment to S.O. 3644 dated 29th November, 1962.
108	S.O. 1600, dated 10th June, 1963.	Do.	Amendments in the bye-laws of the Delhi Stock Exchange Association Ltd., New Delhi.

Issue No.	No. and Date	Issued by	Subject
	S.O. 1601, dated 10th June, 1963.	Ministry of Finance	Amendments in the bye-laws of the Madhya Pradesh Stock Exchange, Indore.
	S.O. 1602, dated 10th June, 1963.	Do.]	Amendments in the bye-laws of the Stock Exchange, Ahmedabad.
109	S.O. 1603, dated 11th June, 1963.	Ministry of External Affairs.	The Government of Union Territories (Removal of Difficulties) Order No. 1.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 12th June 1963

S.O. 1666.—In exercise of the powers conferred by sub-section (i) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Andhra Pradesh hereby nominates Shri A. Krishnaswamy Aiyangar, I.A.S., as the Chief Electoral Officer for the State of Andhra Pradesh with effect from the forenoon of 29th May, 1963 vice Shri K. Subba Rao, I.A.S., transferred.

[No. 154/1/63/16493.]

New Delhi, the 15th June 1963

S.O. 1667.—In pursuance of sub-section (6) of section 116A of the Representation of the People Act, 1951, the Election Commission hereby publishes the decision of the High Court of Madhya Pradesh, Jabalpur, given on the 3rd May, 1963, on an appeal from the order dated the 27th December, 1962 of the Election Tribunal, Ratlam.

HIGH COURT OF MADHYA PRADESH, JABALPUR

FIRST APPEAL No. 19 OF 1963

Appellant:—Basantilal, son Ratanlal Jain, aged 54 years, occupation Business, residing at Kila Road, Mandsaur.

Versus

Respondents:—1. Umashankar, son of Muljibhai Trivadi, Bar-at-law, occupation, Legal Practitioner, residing at Necmuch Cantonment.

2. Dr. Raghubir Singh, son of Raja Ramsingh, occupation Cultivation and Public Work, residing at Sitamau.

3. Virendrasingh, son of Chhaganlal Natha, occupation Business, residing at Rampura Tah. Mausa, District Mandsaur.

Appeal by Petitioner from the order of the Court of the Election Tribunal, Ratlam presided in by Shri C. N. Sewak, dated the 27th December, 1962 in Election Petition No. 213 of 1962.

Original claim for Reviewing the Tribunal's order.

Decreed for Application dismissed.

Claim in appeal for setting aside Tribunal's order.

Memo. of appeal presented by Shri V. S. Dabir, Counsel for appellant, on the 21st January, 1963.

The appeal coming on for final hearing on the 12th March, 1963 before the Honourable Shri Justice T. P. Naik, and the Honourable Shri Justice V. R. Newaskar in the presence of Shri R. S. Dabir with Shri V. S. Dabir, Counsel for the appellant, and of respondent No. 1 in person with Shri G. P. Singh and Shri L. S. Baghal, Counsel for the respondent, the following judgment was delivered by the Court:—

FIRST APPEAL No. 19 OF 1963.

Basantilal V. Umashankar and others.

JUDGMENT

This is an appeal under section 116-A of the Representation of the People Act, 1951 (hereinafter referred to as 'the Act') against the order of the Election Tribunal, Ratlam, dismissing under sub-section (3) of section 90 of the Act the election petition filed by the petitioner Basantilal against the election of respondent No. 1, Umashankar Trivedi to the Lok Sabha from 36, Mandsaur Parliamentary Constituency, on the ground that Vimal Kumar Chordia, a candidate against whom allegations of corrupt practice had been made in the petition, had not been made a party respondent.

2. Facts relevant for purposes of this appeal may shortly be stated as follows:—

In the last general elections to the Lok Sabha from the 36, Mandsaur Parliamentary Constituency, the respondents Umashankar Trivedi, Dr. Raghubir Singh and Virendra Singh were the contesting candidates. Along with the aforesaid contesting candidates, Vimal Kumar Chordia and some others had also filed their nomination papers; but they had all withdrawn their candidatures before the appointed date. In the ensuing poll, Umashankar Trivedi obtained a majority of valid votes. He was, therefore, declared elected on the 27th February, 1962.

The petitioner, who was a voter in the said constituency, filed an election petition challenging the election of respondent No. 1 Umashankar Trivedi, the 'returned candidate', *inter alia*, on the ground that he, his agents or other persons with his consent had been arranged meetings, used slogans, showed posters, distributed leaflets and played gramophone records to make appeal in the name of Hindu religion for the furtherance of the prospects of the result of the election of respondent No. 1, and to prejudicially affects the result of the election of respondent No. 2 [see paragraph 6(i) of the petition]. While stating the full particulars of the alleged corrupt practice in Annexure No. 3 of Schedule 1 to the petition, he stated that 'Shri Vimal Kumar Chordia in a largely attended meeting at Shamgarh appealed to the masses' that—

“जिनके बैलों पर मोहर लगावेंगे उनसे सब कमाई खाने जावेंगे और तुम्हें भी हत्या का पाप लगेगा जिससे हिन्दू धर्म का सर्वनाश होगा। यदि हिन्दू धर्म की रक्षा करनी है तो जनसमूह को वोट दो।”

The petitioner made the contesting candidates, including the returned candidate, party respondents to the petition but did not join Vimal Kumar Chordia against whom allegations of corrupt practice had been made in the aforesaid schedule.

3. Respondent No. 1, Umashankar Trivedi, the 'returned candidate', filed his written statement on the 27th July, 1962 without raising any specific objection therein that the petition was liable to be dismissed for non-joinder of Vimal Kumar Chordia. However, on the 12th November, 1962, after the issues had been framed, he applied for the dismissal of the election petition on the ground that, in so far as the petitioner having alleged corrupt practices against Laxminarayan Panday, Sunderlal Patwa, Champala Arya, Mohan Singh, Mohanlal Malawada, Vimal Kumar Chordia and Basantilal Sharma, who were candidates at the election held in February, 1962 and as such necessary parties to the petition under clause (b) of section 82 of the Act, had failed to join them as party respondents to the petition, it was liable to be dismissed under sub-section (3) of section 90 of the Act. The petitioner by his reply dated the 13th November, 1962, *inter alia*, contended that the aforesaid persons were not candidates at the election from the Parliamentary Constituency in question, and were therefore not necessary parties to the petition; and that even if they were, there was no law which enjoined that they should be made parties. The objection was dismissed by the Tribunal by its order dated the 14th November, 1962 on the ground that the persons whose non-joinder was alleged to be in violation of clause (b) of section 82 of the Act 'were not candidates with respect to the election to Mandsaur Parliamentary Constituency'.

4. Respondent No. 1 applied for review of the aforesaid order alleging, *inter alia*, that there was an error apparent on the face of the record, inasmuch as Vimal Kumar Chordia was admittedly a candidate for the Mandsaur Parliamentary Constituency. The Tribunal by its order, dated the 27th December, 1962, reviewed its previous order and upholding the contention of respondent No. 1, Umashankar Trivedi dismissed the election petition under sub-section (3) of section 90 of the Act. It held that Vimal Kumar Chordia was a 'candidate' at the election from the Mandsaur Parliamentary Constituency, that the word 'candidate' in clause (b) of section 82 of the Act includes a person who had withdrawn his candidature before the 'appointed date'; and that therefore his non-joinder was fatal to the maintainability of the election petition.

5. In this appeal, the learned counsel for the appellant (petitioner) contends;

- (1) That the person referred to as Vimal Kumar Chordia in annexure No. 3 of Schedule 1 of the election petition, who is alleged to have addressed a meeting at Shamgarh was not the same person who had filed his nomination paper for election from the Mandsaur Parliamentary Constituency and who had later withdrawn his candidature before the 'appointed date'.
- (2) That the allegations contained in annexure No. 3 of Schedule 1 to the election petition were not allegations of corrupt practice within the meaning of sub-section (3) of section 123 of the Act.
- (3) That even if it be held that the allegations contained in the aforesaid annexure No. 3 were allegations of a corrupt practice, they had not been validly made as required by law, because they lacked the necessary details regarding the date and the time of their commission.
- (4) That Vimal Kumar Chordia, against whom allegations of a corrupt practice had been made in the petition, had withdrawn his candidature before the 'appointed date' and was thus not 'any other candidate' against whom allegations of any corrupt practice were made in the petition, within the meaning of section 82(b) of the Act.

6. On the first point, the Tribunal has held against the petitioner, and we agree with its findings on this issue. Vimal Kumar Chordia has been referred to in paragraphs 2, 5 and 4 of the election petition as a person who had filed his nomination paper for election from the Mandsaur Parliamentary Constituency as a dummy candidate on behalf of the Jan Sangh, and who had later withdrawn his candidature before the time prescribed for its withdrawal. No other Vimal Kumar Chordia has been referred to in the petition. Consequently, when the petitioner in paragraph 6(i) of the petition alleged that corrupt practices had been committed by the 'returned candidate', or by his agents, or by other persons with his or his agent's consent, and then referred to a speech delivered by a Vimal Kumar Chordia in Shamgarh, a place within the constituency, in the schedules of

particulars, it could have had reference to the Vimal Kumar Chordia who was the dummy candidate for the 'returned candidate' and to no other Vimal Kumar. To have any relevance to the charge, the Vimal Kumar referred to must be an agent or a worker of the 'returned candidate' or the Jan Sangh Party to which he belonged. There was no point in referring to a speech by some Vimal Kumar Chordia who had no connection with the 'returned candidate', and a construction which would make the allegation meaningless has not to be preferred. Consequently, reasonably understood, a plain reading of the election petition shown that the Vimal Kumar Chordia referred to in annexure No. 3 of Schedule 1 to the petition was the Vimal Kumar Chordia referred to in paragraphs 2, 3 and 4 of the petition, who was a dummy candidate for the Jan Sangh Party of respondent No. 1 and was thus an active supporter of the 'returned candidate' and his party. Because, if the corrupt practice alleged against him could be proved, it would have avoided the election.

7. The petitioner, however, as A.W. 1 would have believe that Vimal Kumar Chordia referred to in annexure No. 3 of Schedule 1 to the petition was some other Vimal Kumar Chordia of Rajasthan who had nothing to do with the Vimal Kumar Chordia who was a candidate at the election in question. According to him (A.W. 1), he was some outsider who had come to Shamgarh from Rajasthan delivered the offending speech and then gone away. The petitioner, however, admitted that he had no evidence to offer to substantiate his assertion that the Vimal Kumar Chordia who had delivered the speech at Shamgarh was no other person than the Vimal Kumar Chordia was a candidate for election from the Mandsaur parliamentary constituency. In our opinion, his statement has no merit and has been made to get out of the difficulty created by the non-joinder of Vimal Kumar Chordia.

8. Some support sought to be derived for his testimony from the evidence of Baburao (A.M. 4) who stated that he had heard a speech at Shamgarh of one Vimal Kumar of Rajasthan who was different than Vimal Kumar Chordia, the withdrawing candidate. His evidence further shows that meeting was also addressed by Mohanlal Malawada. However, in his cross-examination, he (A.W. 4) clarified his statement that the person who had delivered the speech at Shamgarh was Vimal Kumar and not Vimal Kumar Chordia. He further admitted that Vimal Kumar Chordia was a well known person of the locality. The witness (A.W. 4), therefore, instead of supporting the petitioner, gives a lie to his statement, because, according to him (A.W. 4), the Rajasthan man was Vimal Kumar and not Vimal Kumar Chordia, and the person mentioned in annexure No. 3 of Schedule 1 to the petition who is alleged to have made a speech at Shamgarh is not Vimal Kumar of Rajasthan but Vimal Kumar Chordia who was a well known man of the locality.

9. As against this, Vimal Kumar Chordia, who has been examined as 1R.W.1, has stated that he had delivered a speech at Shamgarh on 13th February 1962 on behalf of the Jan Sangh Party along with Mohanlal Sethia who was the same man as Mohanlal Malawada, and that no Vimal Kumar of Rajasthan delivered any speech in that meeting. He further stated that he had not known any Vimal Kumar of Rajasthan nor any worker of the Jan Sangh by that name. Similarly, Mohanlal Malawada, who has been examined as 1 R.W. 8, stated that at a meeting at Shamgarh which was convened on behalf of the Jan Sangh on 13th February 1962, Vimal Kumar Chordia (1R. W.1), he himself and Atmaram had delivered speeches, and that no Vimal Kumar of Rajasthan had addressed that meeting.

10. In our opinion, the evidence of Vimal Kumar Chordia (1 R.W. 1) and Mohanlal Malawada (1R. W.8) is preferable to that of the petitioner (A.W. 1). We therefore, reject the testimony of the petitioner and hold that Vimal Kumar Chordia referred to in annexure No. 3 of Schedule 1 to the petition is the same person who has been referred to in paragraphs 2, 3 and 4 of the petition and who was a candidate for the election in question from the 36, Maudsaur parliamentary constituency but had later withdrawn his candidature.

11. The second contention equally devoid of force. Under Sub-section (3) of section 123 of the Act, 'the appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to, religious symbols or the use of, or appeal to, national symbols, such as the national flags of the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate, shall be deemed to be a corrupt practice for the purposes of the Act. The appeal in question (which we have reproduced

in paragraph 2 above), which exhorted the voters to vote for the Jan Sangh if Hinduism was to be saved on the ground that every vote for the Congress, whose symbols was a pair of bullocks, would result in sending as many bullocks to the slaughter house which would, besides entailing the sin of cow killing for the voter, would also cause complete destruction of the Hindu religion, was clearly an appeal to vote or refrain from voting on the ground of religion for the furtherance of the prospects of the election of the Jan Sangh candidate and for prejudicially affecting the election of the Congress candidate, which is a corrupt practice as defined in the Act.

12. The third contention, is that in so far as the allegations in question lacked the necessary particulars as regards the day and the time of the meeting where the offending speech was alleged to have been delivered, they could not amount to 'allegations of any corrupt practice' within the meaning of section 82(b) of the Act. The contention is misconceived. Allegations of corrupt practice which lack in details are none the less allegations of corrupt practice. If unobjected to, they have to be adjudicated upon, and the parties can legitimately be at issue to them. It is true that it is very desirable that the allegations in regard to corrupt practice should be precise and specific as their lacking in necessary particulars may be prejudicial to the party which is to be made answerable for them. But, as pointed out by the Supreme Court in *Ralwan Singh v. Lakshmi Narain and others*. (22 E.L.R. 273 at P. 281), 'insistence upon full particulars of corrupt practices is undoubtedly of paramount importance in the trial of an election petition; but, if the parties go to trial despite the absence of full particulars of the corrupt practice alleged, and evidence of the contesting parties is led on the plea raised by the petition, the petition cannot thereafter be dismissed for want of particulars, because the defect is one of procedure and not one of jurisdiction of the Tribunal' to adjudicate upon the plea in the absence of particulars'. Consequently, the allegations in question were valid allegations of a corrupt practice which gave jurisdiction to the Tribunal to adjudicate on them, so that on their basis Vimal Kumar Chordia could have been called upon to answer them. It may be that he may have objected to the lack of particulars, or it may be that he may have elected to go on trial them; but in either case, it was a matter of procedure and not a question of jurisdiction of the Tribunal. This contention is also, therefore, rejected.

13. The last contention is that a candidate, who has withdrawn his candidature before the appointed date, need not be made party respondent to an election petition, even if allegations of corrupt practice are made against him. The contention appears to be based on the notion that a candidate, who has withdrawn his candidature, is not a candidate within the meaning of section 82(b) of the Act.

14. Under section 79(b) in part VI of the Act (in which section 82 occurs), unless the context otherwise requires, 'candidate' means a person who has been or claims to have been duly nominated as a candidate at any election, and any such person shall be deemed to have been a candidate as from the time when, with the election in respect, he began to hold himself out as a prospective candidate. So that it is obvious that unless there was something in the context, Vimal Kumar Chordia was a 'candidate' within the meaning of section 79(b) of the Act, because he was a person who has been duly nominated as a candidate. Section 82 then says: 'A petitioner' shall join as respondents to his petition— (a) where the petitioner, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner and where no such further candidates, and (b) any other candidate against whom allegations of any corrupt practice are made in the petition'. The section speaks of three categories of candidates. A 'returned candidate' who is defined in section 79(f) of the Act as meaning 'a candidate whose name has been published under section 67 as duly elected'; a 'contesting candidate, who vide section 38 of the Act is a candidate who was included in the list of validly nominated candidates and who has not withdrawn his candidature within the period prescribed for withdrawals; and 'any other candidate' against whom allegations of any corrupt practice are made. The candidate of the first category is always necessary party; while the candidates of the second and third categories are necessary parties only when the petitioner prays for a declaration that he himself or some other candidate has been duly returned, or when allegations of any corrupt practice are made against them.

15. In *Kamaraj Nadar v. Kunju Thevar* (14 E.L.R. 270), the Supreme Court, while considering the question whether a 'candidate', who has retired under section 55A of the Act (as it then was because section 55A has not been repealed), was yet a contesting candidate and should be joined as a party respondent to the election petition, held that such a candidate was yet a contesting candidate and should be joined as party. On a parity of reasoning, a person, who has withdrawn his candidature is yet a 'candidate' within the meaning of section 82(b) read with section 79(b) of the Act; and consequently, if allegations of corrupt practice are made against him, he must be joined as a party. The expression 'any other' as qualifying the word 'candidate' in section 82(b) further suggests that he is outside the two categories of candidates dealt with in section 82(a) and has to be joined when allegations of corrupt practice are made against him. The use of the conjunction 'and' between sub-clauses (a) and (b) further suggested that when allegations of corrupt practice are made against such a person, he is a necessary party to the petition and must be joined as a party respondent.

16. In *Chaturbhuj v. Election Tribunal, Kanpur and other* (15 E.L.R. 301), a Division Bench of the Allahabad High Court, answering a similar contention said: "The use of the word 'other' in Clause (b) indicates that the person who are necessary parties under this clause are those who are not already parties to the election petition under earlier clause (a). In clause (a) petitions have been divided into two clauses. One class of petitions is that in which the petitioner, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidates has been duly elected. The second class of election petitions is that in which no such further declaration is claimed, so that the only declaration claimed is that the election of all or any of the returned candidates is void. In cases of the first, a class, under clause (a) all the contesting candidate other than the petitioner have to be joined as respondents to the election petition. The expression 'any other candidate' in clause (b) of section 82 would in these circumstances cover, in the case of election petitions of the first class, candidates other than the contesting candidates who in addition are candidates against whom allegations of corrupt practice are made in the petition. In the second class of cases the expression 'any other candidate' would cover candidates besides the returned candidate; provided that allegations of any corrupt practice are made against them in the petition. Reference to clause (a) thus shows that the expression (any other candidates) would cover in the first class of election petitions all candidates besides the contesting candidates and in the second class of cases all others besides the returned candidates. Reference to clause (a) does not thus narrow down the scope of the words 'any other candidate' so as to include candidates who may have withdrawn their candidatures or who may otherwise have gone out of the contest. Reading section 82 by itself, therefore, the expression 'any other candidate' would appear to include all kinds of candidate except contesting candidates in the first class of cases and except returned candidates in the second class of cases, if allegations of any corrupt practice are made against them in the election."

"... clause (b) of section 82 of the Act introduces the requirement of certain persons being impleaded as respondents in the petition with a purpose which is entirely different and distinct from the purpose for which persons are to be impleaded as respondents under clause (a) of section 82 of the Act or the purpose for which persons were to be impleaded as respondents in an election petition under section 82 of the unamended Act. Consequently, any interpretation which was placed on the provisions of section 82 of the unamended Act cannot serve any useful purpose when interpreting clause (b) of section 82 of the Act."

The case was cited with approval by the Bombay High Court in *Baburao v. M. S. Aney* (22 E.L.R. 321) where a Division Bench repealing a similar contention held:

"For the application of the provision contained in section 82(b) of the Representation of the People Act, 1951, that candidates against whom allegations of corrupt practice are made in an election petition should be joined as respondents to the petition, it is not necessary that the corrupt practice must be as act done by the candidate in his own interests, or done in his capacity as a candidate. Even if the alleged corrupt practices are acts done by a candidate in the interests of another candidate, the candidate who is alleged to have committed the act must be joined as a respondent."

"For the purposes of section 32(b) a candidate who has withdrawn his candidature under section 37 is still 'a candidate', and if allegations of corrupt practice are made against such a person to the election petition he must be joined as a respondent."

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"If it appears in the course of the trial that a person, who is alleged to have committed corrupt practice but who was not joined as a respondent was a candidate who had withdrawn his candidature, it is open to the Tribunal to permit the respondent even at that stage to raise the objection that the petition does not comply with section 82(b) and to dismiss the petition under section 90(3) on this ground."

17. The learned counsel for the appellant (petitioner) strongly relied on a decision on the Patna High Court in *Kapildeo Singh v. Suraj Narayan Singh* (17 E.L.R. 475) wherein a Division Bench of that Court had held that 'on a proper construction of section 82, my opinion is that a candidate who had been duly nominated as candidate at an election but had withdrawn his candidature under section 37 of the Act is not a candidate within the meaning of section 82(b) of the Act to be required to be made a Party to the election petition.'

18. As pointed out in *Baburao's case* (Supra), the basis of the Patna decision is the assumption that the expression 'any other candidate', which occurs in both clauses (a) and (b) of section 82 of the Act, must bear the same meaning in both the clauses, and as it, in clause (a), means a candidate who had not withdrawn his candidature, it, when used in clause (b), must also mean a similar candidate, viz., one who had not withdrawn his candidature. With respect, we do not agree with the conclusion of the Patna High Court. In the first place, as pointed out by the Bombay High Court, clauses (a) and (b) section 82 are not *pari materia* but deal with two different subjects: clause (a) deals with an election petition where the prayer is that the election of the returned candidate be set aside, or where, in addition to the aforesaid prayer, a further declaration is prayed that the petitioner or any other candidate had been duly elected, i.e., it mainly deals with the question as to what the result of the poll should be; while clause (b) deals with an ancillary purpose, viz., disqualification of a candidate because of a corrupt practice practised by him. No doubt, any corrupt practice committed by any other candidate or his agent, or any other person with their consent is relevant when a declaration is sought that he ought to be declared the validly elected candidate. For these purposes the joinder of the returned candidate or the contesting candidates is considered sufficient, because they alone are answerable for the corrupt practice alleged against one or the other. But, apart from these, a further situation is envisaged by the Act when a corrupt practice is alleged against a candidate, because on proof of such corrupt practice the candidate runs the risk of incurring the penalty prescribed by the Act. Interest of justice requires that no finding of corrupt practice ought to be given against a candidate behind his back and to that end the Legislature has provided that when any allegation of corrupt practice is made against 'any other candidate' (i.e., any candidate other than the returned candidate and the contesting candidates whose joinder has been made compulsory under clause (a), he should also be made a party respondent to the petition. The expression 'any other candidate' has thus different connotation in the two clauses, because of the context in which it has been used. Secondly, in our opinion, then Patna High Court was in error in assuming that 'the question of corrupt practice practically arises only on publication of a list of contesting candidates under section 38 of the Act after the withdrawal of the candidature by any candidate under section 37 of the Act'. There is no warrant for such an assumption. The definition of 'candidate' in section 79(b) enures for the purposes of Parts VII and VIII also, where corrupt practices have been defined and some of the penalties for their commission prescribed. Consequently a 'candidate' as defined in section 79(b) can be guilty if a corrupt practice as defined in section 123 of the Act, and it is not necessary that he should have been a contesting candidate for the purpose. There is nothing in the context of section 123 or section 140 of the Act to show that the word 'candidate' should bear a different meaning in those sections. On the other hand, the provisions of sections 123 and 140 of the Act lend further support to our conclusion that candidates other than the returned candidate and the contesting candidates should also be made party respondents to the election petition if allegations of corrupt practice which may entail their incurring disqualification under section 140 of the Act are made against them. *Kapildeo Singh's case* (Supra) was also discredited from by a Division Bench of this Court in First Appeal No. 34 of 1962 dated 14th February, 1963, where it was pointed out that judgment was contrary to the analysis of section 82 of the Act by the Supreme Court in *Kamarata Nadar's case*.

19. This contention, therefore, also fails.

20. After the arguments were over, the learned counsel for the appellant (petitioner) filed application contending that allegations similar to those contained in annexure No. 3 of Schedule 1 to the petition were also made in Schedule G to the petition in *Mohan Singh's* case (First Appeal No. 34 of 1962 dated 14th February, 1963) but were held not to be a corrupt practice within the meaning of sub-section (3) of Section 123 of the Act *vide* paragraph 33 of the judgment in that case.

21. It is true that in *Mohan Singh's* case (supra), a general statement occurs in paragraph 33 of the judgment that 'if the appellant made an appeal to the voters to vote in the name of cow and for protection of cow, that is not an appeal on the ground of religion', nor is 'an appeal in the name of Nand-Deep.....an appeal to any religious symbol', because 'in common parlance Nanda Deep does not represent the symbol of any deity'. But, in our opinion, those observations are not conclusive of the problem that we are called upon to consider in this case. In the first place, the allegations in the instant case are not exactly the same as those in *Mohan Singh's* case (supra). Secondly, the learned Judges deciding that case had considered the allegations contained in Scheduled G to the petition therein in paragraphs 31 *et seq* of their judgment and were of opinion that the respondent had not been able to 'establish the allegations of corrupt practices averred in paragraph 11(i) of the petition and Schedule G thereto'. Consequently, no necessity arose for the learned Judges to give any final opinion on the question whether the allegations in Schedule G amounted to corrupt practices, and the observations made in paragraph 33 were obiter. Thirdly, there is no evidence in the judgment in *Mohan Singh's* case (supra) to show that the allegations in Schedule G to the petition therein were seriously considered by the learned Judges to determine if they constituted corrupt practices. In fact, the discussion in paragraphs 31 to 33 of the judgment in that case is no warrant for saying that an appeal to the voters to that on as many bullocks you put the seal that many would go to the slaughter house and you shall be guilty of the sin of cow-killing, which would cause the destruction of the Hindu religion, and that if Hindu religion, is to be saved, you should vote for the Jan Sangh, will not amount to an appeal to the voters to vote or refrain from voting on the ground of religion for the furtherance of the prospects of the election of the Jan Sangh candidate and for prejudicially affecting the election of the Congress candidate.

22. We are, therefore, of opinion that the election petition of the appellant-petitioner was rightly dismissed by the Election Tribunal under sub-section (3) of section 90 of the Act.

23. The appeal fails and is dismissed. Costs of respondent 1, Umashankar Trivedi, shall be paid by the appellant-petitioner, who shall also bear his own. Counsel's fee nil.

T. P. NAIR,

V. R. NEWASKAR,

Judge

Judge

3-5-1963.

3-5-1963.

[No. 92/213/62.]

By order,

K. S. RAJAGOPALAN, Secy.

New Delhi, the 14th June 1963

S.O. 1668.—In pursuance of sub-section (6) of section 116A of the Representation of the People Act, 1951, the Election Commission hereby publishes the order pronounced on the 1st May, 1963, by the High Court of Madras.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Wednesday the 1st day of May

One thousand nine hundred and sixty three (11th day of Vaisakha of 1885 Saka)

PRESENT

The Honourable Mr. S. Ramachandra Iyer, Chief Justice

AND

The Honourable Mr. Justice Ramamurti

Appeal against order No. 340 of 1962.

Muthiah

Appellant
(Petitioner)

Vs.

1. Malaichamy Thevar
2. N. Ponnuswamy

Respondents

Appeal under section 116-A Representation of the People Act, 1951 against the order of the Election Tribunal (District Judge), Madurai, dated 22nd October, 1962 and made in Election Petition No. 68 of 1962.

ORDER

This Appeal coming on for hearing on Wednesday 3rd April, 1963 and Thursday 4th April, 1963 upon perusing the petition of Appeal, the order of the Election Tribunal, and the material papers in the case, and upon hearing the arguments of M/s. K. K. Venugopal and K. Maya Thevar, Advocates for the Appellant, and of Mr. V. P. Raman, Advocate for the 1st Respondent and notice to 2nd Respondent having been dispensed with, he having remained absent before the Election Tribunal, and the case having stood over for consideration till 19th April, 1963 this Court made the following:—

ORDER

(Judgment delivered by the Hon'ble the Chief Justice)

This is an appeal under Section 116-A of the Representation of the People Act 1951 against the order of the Election Tribunal (District Judge) Madurai rejecting the appellant's petition to set aside the election of the first respondent to the House of the People from the Peerlagulam constituency. Polling was held on 19th February 1962. Three persons, the appellant, and the two respondents competed. Counting of votes took place on 27th February 1962. The following is the table showing the candidates names, party affiliation the symbol allotted and the number of votes secured by each one of the candidates:—

Appellant	Independent	Baniam tree with foliage	1,43,930 votes
First Respondent	} Congress	Two bulls with a yoke	1,46,829 votes
Second Respondent		Elephant	12,357 votes
Invalid votes :	7,752		

Total number of votes polled — 3,10,869.

The first respondent who secured a majority of 2,899 votes over his nearest rival (appellant) was declared duly elected. Aggrieved by the result, the appellant filed a petition to have the election set aside alleging a number of irregularities and corrupt practices at the election. These allegations were reflected

in the issues framed in the case. The Election Tribunal found against the corrupt practices. He also found that such irregularities as might have existed did not materially affected the result of the election and he accordingly dismissed the petition. A consideration of most of the issues framed in the case has been rendered unnecessary in this appeal as the learned counsel for the appellant confined his case only to establishing three of the alleged corrupt practices, to one irregularity and to a request for a further scrutiny and recount of the votes polled. The points raised are these:—

(1) One of the contesting candidates (Second respondent) who intended to withdraw from the contest, was bribed by the first respondent to continue to stand. This it is said, had the effect of preventing the appellant from securing all or most of the votes wasted on the second respondent which otherwise the former would have secured;

(2) One of the workers of the first respondent Rangasami Goundan exercised undue influence over the voters at Sillamarathupatti polling booth, by invoking the wrath of the Goddess Jekkamma on those who failed to vote for the Congress nominee;

(3) The Returning Officer failed to supply ballot papers to facilitate postal voting by the officers and other personnel engaged in polling duty at the election, who according to the appellant numbered about 3,750, contravening thereby the rules in that behalf and thus there was a disenfranchising of a considerable body of voters who would have cast their votes in favour of the appellant; and

(4) In view of the specific irregularity proved and the general inefficiency displayed by the officers and clerks at the election, there should be a further scrutiny and recount of votes.

We shall deal with the above points seriatim:—

(1) Section 123 of the Representation of the People Act which defines corrupt practice at an election lists bribery as one among the several of the practices. Bribery will include any gift or offer of a gratification to any person with the object of directly or indirectly inducing that person to stand or not to stand or to withdraw from being a candidate at the election. The first charge in the petition is that an inducement was offered to the second respondent not to withdraw from the contest although he had made up his mind to do so. As a result of such inducement, the second respondent competed at the election and secured about, 12,000 votes which it is said, were wasted on him and which if he had withdrawn would have been cast in favour of the appellant. Section 123(I) (A) (a) in terms refers to a case of improper inducement to withdraw and not to a similar inducement for not withdrawing from the contest. An inducement of the kind specified above to a candidate that is, not to withdraw, who but for the inducement would have withdrawn from the contest, will undoubtedly constitute a corrupt practice which will have the practical effect of wasting the votes given in favour of such a candidate who had failed. Even if he had succeeded, it would in effect mean that the successful candidate was bribed to continue to stand for the election. In our opinion the first part of sub-clause (a), namely inducing a person to stand as a candidate at an election will be wide enough to cover a case of the kind before us as the word "stand" at an election will include within its scope 'continue to stand'. Even otherwise, the case will come under clause (b) which makes the offer of a reward to a person for having stood at the election a corrupt practice. An improper inducement to a candidate wishing to withdraw from the election contest, by an offer of gratification or reward not to withdraw will therefore be a corrupt practice within the meaning of Section 123 of the Act.

The question then is whether the alleged practice has been made out. The Election Tribunal has on a full consideration of the relevant evidence held that the second respondent had no intention to withdraw from the contest and that no kind of inducement was offered by the first respondent for his (second respondent's) continuing to stand. The case for the appellant is, that about a month prior to the election the first respondent had certain other Congress workers took Mr. Ramaswami, Chairman of Cumbum Municipal Council, to the residence of the second respondent who induced him not to withdraw his candidature and he also promised that in consideration thereof the first respondent would meet the election expenses of the second respondent and also finance him in his business. Ramaswami has been examined as R.W. 4. and he has denied that he did any such thing. The Second respondent has not been examined to prove that he at any time entertained the idea of withdrawing from the contest and that it was

at the instance of the first respondent that he continued to stand. The entire case on this point rests on the evidence of P.W. 23 a relation of the appellant who claims that he was with Ramaswami at Cumbum when the first Respondent came to him in a car, took him to the residence of the second respondent and offered the inducement which was accepted by the later. Even if the first respondent were to do any such thing, it was most unlikely that he would have done so in the presence of P.W. 23, a relation of his rival (appellant.).

In support of his evidence Exhibit A-2 a letter alleged to have been written by the second respondent to P.W. 17 was produced. The letter purports to contain the signature of the second respondent. The latter, however, has not been called to prove it. This document, cannot, therefore, be accepted in evidence. That, however, is not its only infirmity. The envelope in which that document was sent, has not been produced and no satisfactory explanation has been given why the second respondent should write the letter to P.W. 17. The letter says that the second respondent was not in a position to withdraw his candidature on account of a promise he had got from the first respondent that he (the first respondent) would bear all his election expenses. A letter of that kind could be got up at any time and we have no hesitation in rejecting it as a spurious one. The evidence of P.W. 23 cannot obviously be accepted and we agree with the learned Election Tribunal that this charge has not been made out.

The next charge is that one of the workers belonging to the Congress party and working for the first respondent, Rangaswami Goundan, otherwise known as Kambeli Goundan (examined as R.W. 7 in the case) exercised undue influence over the voters at Sillamarathupatti polling booth by invoking the curse of the deity Jakkamma on those who did not vote for the Congress candidate. On the side of the appellant, two witnesses, P.Ws. 19 and 24, have been examined to prove that this Rangaswami Goundan was a religious head exercising considerable influence over the residents of the said village. R.W. 7 has denied that he is a religious head or Guru, but he admitted that he is the head of Vakkilar Kappili sect among Goundars. He, however, denied that he ever invoked either blessings or curses in the name of any God on those who voted for or against the Congress nominee or that he in any way unduly influenced the voters to cast their votes to any particular candidate. Admittedly, he was one of the Congress workers, on one occasion he even canvassed votes for the first respondent, but it is plain from the results of the voting that his influence over the voters in the village was very little. The Election Tribunal has pointed out by referring to Exhibit A-27 that in the village of Chinnamarathupatti the first respondent secured only 630 votes, while the appellant was able to get 1,416 votes. This result gives the lie direct to the allegation that R.W. 7 had much influence, religious or secular, over the voters in the village. Although R.W. 7 denied that he made any appeal to the voters in the name of any deity, Election Tribunal was inclined to believe that he might have done so. We shall presently examine whether this is correct.

But before doing so, we may point out that in order to constitute the corrupt practice of undue influence of the type mentioned above, the person exercising the undue influence need not necessarily be a religious head. It would be sufficient if the influence exercised by the person is such that the voter or any person in whom he is interested believed that he would become an object of divine displeasure, that is, thus in effect interfering with the exercise of his electoral right freely. If the case of the appellant that R.W. 7 invoked the curses of the deity Jakkamma on those who did not vote for the Congress stood proved, there can be little doubt that he should be held to have committed a corrupt practice within the meaning of the Act, for the appeal to the voters was on the basis of the terrors of religion; that would certainly influence at any rate the superstitious among the voters. It is, therefore necessary to assess the evidence in regard to that aspect of the case. The case for the appellant is that at about 9-20 a.m. on the polling day, R.W. 7 stationed himself about 100 yards from the polling booth where the voters were queuing, and exhorted them to vote for the Congress saying that otherwise they would perish like cattle. The witness who has spoken about this is P.W. 30. He stated that as R.W. 7 was exhorting the voters in that improper manner, one Veera Kamakshi who was till then inside the polling booth came out and objected to the Kambeli Gounder (Rangaswami Gounder) exhorting the voters in that manner. Immediately thereafter one Tirumalaiswami Chettiar who belonged to the Congress party came out and picked up a quarrel with Veerakamakshi as a result of which there was an affray and the Head Constable on duty took both of them into custody and marched them to the police station. Thereafter both these two persons and some others were charged for committing affray and they were convicted of the offence and sentenced to pay a fine of Rs. 5 each. The proceedings of the criminal court in regard to this incident have not been produced. We are therefore unable to know apart from what has been stated

by P.W. 30 and P.W. 28 the circumstance under which the affray took place. Veerakamakshi has been examined as P.W. 28 and he corroborates P.W. 30. The first respondent could have but did not examine Thirumalaiswami Chettiar. One thing is clear namely, that it was not Thirumalaiswami and Veerakamakshi alone were charged for the incident on that morning; certain others were also charged for the offence of participating in an affray. There is nothing in the evidence to show how others got involved in the affray. Under the circumstance, particularly having regard to the fact that the first respondent did not choose to place the available evidence of Thirumalaiswami before the Tribunal, we are of opinion that it must be taken as proved that R.W. 7 notwithstanding his denial, tried to influence the voters in the name of some deity. Whether the voters paid any attention to his work or not is another question. Probably they did not.

The question then is—"Was this done with the consent of the returned candidate?" It is in evidence that the first respondent in the course of his hectic tour of the polling booths in his constituency arrived at the village of Sillamaruthupatti at about 11 a.m. He denied, however that he ever talked to R.W. 7; but R.W. 7 was positive that he had a talk with the first respondent. This, however, is not strange. Busy as he must have been, the first respondent perhaps did not remember to whom all he talked during his visits to the various polling booths on the election day. Probably he did not know P.W. 7 very well and he like any other candidate whose success at the election depended on the goodwill of others which could be secured to an extent by a kind word to persons whom all he had occasion to meet, had probably a casual talk with R.W. 7 and later on forgot about it. We cannot hold that the first respondent was consciously telling a lie, when he stated that he did not talk to R.W. 7. But one thing is clear, that there is no specific evidence about it, that the first respondent was not made aware of the previous improper exhortation by R.W. 7 to the voters in the name of Jekkamma. It is argued that he must have been aware of the affray and the consequent arrest of some persons including his supporters and that if he had investigated the matter further, he would have been told that R.W. 7 said to the voters and that as he did not investigate the matter further it must be taken that he had agreed to and approved of what was done. We do not think that any such inference could be drawn. The mere fact that there was a corrupt practice committed by one of the enthusiastic supporters of the first respondent at some time earlier than his arrival at the polling booth, cannot mean that such corrupt practice was committed with the consent or even with the subsequent approval of the returned candidate (first respondent). The evidence in the case is utterly inadequate to prove any such consent or even subsequent approval on the part of the first respondent. But Mr. Venugopal, learned counsel, for the appellant tried to get over the difficulty by an ingenious argument, the basic assumption for that being a statement in the evidence of R.W. 7, that he canvassed votes for the first respondent. Learned Counsel contended that R.W. 7, by reason of the part he took in advancing the interests of the first respondent by canvassing votes for him should be deemed to be an agent of the candidate for the purpose of Section 123 of the Act and any corrupt practice viz., undue influence committed by him albeit, it might not have been with his consent or subsequent approval, must render the election void unless the candidate showed that he had taken all reasonable steps for the prevention of such corrupt practices by his agent. This argument is sought to be based on the provisions of Section 100(2). Before we refer to that provision we shall state briefly the law on the point. Ordinarily a person canvassing votes at an election for a candidate cannot by reason of that fact alone become an agent of that candidate. For, it is not uncommon that even strangers totally unconnected with the candidate might take interest in his election and also an initiative without ever being asked to canvass votes for him. There might also be cases where the canvasser by reason of his sympathy for the cause for which a particular candidate stands, or by reason of the identity of ideological view might himself come forward to support the candidate. Such persons cannot in the absence of express or implied authorisation by the candidate or his election agent or the political organisation which had set up the particular candidate, be regarded as his agent. A person who merely solicits or persuades the voters to cast their votes in favour of a particular candidate cannot be regarded therefore as the agent of that candidate. A *fortiori* a voluntary canvasser cannot be regarded as the agent of the candidate.

But in regard to corrupt practices committed at an election the matter will be slightly different. The general law of agency cannot strictly be applied to such cases; to do so would lead to great mischief. Section 123 of the Act therefore gives a special or extended meaning of the term 'agent' by including in it "any person who is held to have acted as agent in connection with the election with the consent of the candidate." In other words it is not necessary for the purposes of the section, that there should be any specific consent on the part of

the candidate for the corrupt practice being committed by the person concerned. It would be sufficient if the person works for the candidate and commits corrupt practices on his own initiative. It is, no doubt, correct to say that under the general law, consent on behalf of a candidate for the canvasser working for him at the election would not necessarily imply that he commissioned him to do that work by improper means or by resorting to corrupt practices. But at the same time maintenance of purity of elections would require that the candidate should be saddled with the responsibility for the acts of his supporters. Therefore, under that section, what all is necessary is that the person concerned should do some work in connection with the election with the consent of the candidate i.e., the consent of the candidate is for the election work and need not be for the committing of the corrupt practice. Such consent might be express or implied. Section 123 which defines bribery and undue influence refers to three categories of persons who could commit improper acts:—(1) candidate, (2) his agent and (3) any other person who commits the act with the consent of the candidate or his election agent. In the first and third cases the improper act is done by the candidate himself or with his consent or the consent of his election agent. In such cases the animus is in the candidate or election agent. That will not be so in regard to the second type of persons; the explanation to the section therefore provides an extended meaning. The word "agent" is defined to include all those engaged by or with his consent in the election work.

It must, however be remembered that Section 123 merely gives a definition of corrupt practice; it will include acts or offences specified therein if done by any one among the three types of persons set out above. But the Commission of a corrupt practice does not *Ipsa Facto* avoid an election. Under what circumstances it will have that effect, is dealt with by section 100 of the Act. In MUTHIAH CHETTIAR -v- SA GANESAN (1958 11 M.L.J. 237) it was held that something more than the commission of a corrupt practice as defined in Section 123 of the Act would be required to make it one of the grounds for avoiding an election.

In its present form, that is, after the amendment in 1958 Section 100 makes a distinction between a corrupt practice committed by a returned candidate or his election agent or any one with the consent of either of them AND one committed in the interests of or for the advancement of the returned candidate by an agent other than the election agent. In the former case the election is rendered void once the corrupt practice is proved. In the latter case the election will be rendered void only if the result of the election is shown to have been materially affected by reason of such corrupt practice [vide the distinction between section 100(1)(b) and 100(1)(d)(ii)]

The question in the present case is whether R.W. 7 when he made an improper appeal to the voters could be said to have done so as the agent of the appellant. That he was engaged in election work for the benefit of the first respondent cannot admit of doubt. There is, however, not much evidence to show that he was appointed specifically as canvassing agent or as any other agent; but probabilities are that he was requested by the candidate or his party to canvass votes. The question is, whether he could be regarded as an agent within the extended meaning given in the explanation to Section 123 of the Act. There can be little doubt that if the candidate or his agent or the party who is sponsoring the candidate entrusts a person with some part of the work in connection with the election, the latter can be held to be his agent, as such appointment could be implied from the circumstances of the case. In order to be an agent within the meaning of section 123, it is not necessary that there should be a formal appointment. It can be inferred from the conduct of the parties or from the nature of the duties performed by the person concerned and the recognition or adoption of the same by the candidate. In BOROUGH OF NORWICH (O' Malley and Hardcastle—Election Petitions Volume I—1870 page 8) it was held that any person authorised to canvass votes would be an agent. So too in BOROUGH OF BEWDLEY (O' Malley and Hardcastle, Election Petitions Page 16), (Volume I) where Blackburn, J. said:—

"No one can lay down a precise rule as to what would constitute the evidence of being an agent. Every instance in which it is shown "that either with the knowledge of the principal or the candidate himself or to the knowledge of his agents who had employment from him a person acts at all in furthering the election for him, in trying to get votes for him is evidence tending to show that the person so acting was authorised to act as his agent. It is by no means essential that it should be shown that a person so employed, in order to be an agent for that purpose is paid in the slightest degree or is in the nature of being a paid person."

In THE BROUGH OF GREAT YARMOUTH (O' Malley, and Hardcastle Election Petitions Volume V page 176) Justice Channel observed:—

"The law of agency in election matters has been very fully brought before me and one thing which is quite clear not only upon this question of agency but upon some of the other questions with which we have to deal with is that the ablest of the judges have always said that you cannot lay down definite rules applicable to all cases. But there are principles and the substance of principle of agency is that if a man is employed at an election to get you votes or if without being employed he is authorised to get you votes or if although neither employed nor authorised, he does to your knowledge get you votes and you accept what he has done and adopt it, then he becomes a person for whose acts, you are responsible in the sense that if his acts have been of an illegal character, you cannot retain the benefit which those illegal acts have helped to procure for you."

In T. C. BASAPPA v. NAGAPPA (III—E.L.R. 197) the wide scope of the term "agent" under the election law has been adverted to. Frazer in his law of Parliamentary Elections (Third edition page 73) states:—

"With regard to Election Law, the matter goes a great deal further because a number of persons are employed for the purpose of promoting an election who are not only not authorised to do corrupt acts but who are expressly enjoined to abstain from doing so. Nevertheless the law says that if a man chooses to allow a number of people to go about canvassing for him, to issue placards, to form a committee for his election and to do other things of the sort, he must, to use a colloquial expression take the bad with the good. He cannot avail himself of these people's acts for the purpose of promoting his election and then turn his back or sit quietly by and let them corrupt the constituency."

In TRILEKISINGH v. SHIRAJWATI NEHRU (Volume XVI E.L.R. 234) there is a detailed reference to the relevant text books and English authorities about the scope of the term "agent" under the election law. According to it "every person who works or canvasses for a candidate with his knowledge or consent and whose actions have not been repudiated by the candidate must be deemed to have been adopted as his agent even without direct proof of actual appointment."

Evidence in the case shows that R.W. 7 was a canvasser on behalf of the first respondent and that it was not a mere case of a sympathiser without reference to the candidate or his election agent doing some work voluntarily. He belonged to the Congress party and was a man of some influence in his place; he did admittedly election work. He must therefore be deemed to satisfy and come within the scope of the doctrine of extended agency which is now statutorily recognised by the explanation to Section 123 of the Act.

It is argued on behalf of the appellant that once it is proved that corrupt practice has been committed by such an agent, the returned candidate unless he proves that he did everything in his power to prevent the commission of such corrupt practice would have to suffer by having his election declared void. This argument in our opinion proceeds on an imperfect appreciation of the provisions of section 100 of the Act. The section in its original form has undergone some modification by subsequent amendments. We consider it sufficient to set out the section as it stands now:—

"If the Tribunal is of opinion.....

(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his agent.....or

(c) that the result of the election is so far as it concerns a returned candidate has been materially affected—

(ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent—

(2) If in the opinion of the Tribunal a returned candidate has been guilty by an agent other than his election agent of any corrupt practice but the Tribunal is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was

committed contrary to the orders and without the consent of the candidate or his election agent:—

- (c) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election; and
- (d) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, then the Tribunal may decide that the election of the returned candidate is not void."

The argument on behalf of the appellant is, that in a case where an agent (Coming within Section 123 of the Act) has committed a corrupt practice it will be for the returned candidate to show that such an agent did so in spite of efforts made by the returned candidate, and that his own conduct was above board. In effect the argument seeks to throw the onus on the returned candidate. This contention proceeds as we said on a misapprehension and it is contrary to the scheme of Section 100 itself.

Section 100(1) in its present form makes a distinction between two types of corrupt practices; (1) those committed by the returned candidate or his election agent or by any other person with the CONSENT of the returned candidate or his election agent; and (2) by an agent other than the election agent in the interests of the returned candidate. For the former case, the candidate or his agent should have committed the corrupt practice or if it had been committed by some other person, it should have been with the CONSENT of either of them. That if proved renders the election void. In the latter class of cases, that is where the corrupt practice is committed by his agent on his own initiative without the consent of the candidate or his election agent, the election could be avoided only if the result thereof has been shown to have been materially affected by reason of such corrupt practice. This distinction was not available under the section as it stood before its present amendment or under the English law. It is a balancing of two principles, namely, that a candidate should ordinarily be responsible for the improper acts of himself, his election agent or his employees, the rule being intended to safeguard the purity of the election. There is yet another principle, viz., it will be unjust to penalise the successful candidate for the unauthorised acts of his agent particularly having referred to the wide definition of the term. Therefore the section while it takes a serious view of the corrupt practices committed by a candidate or his election agent or by any other person with the consent of either of them states that if such corrupt practice were committed by an agent, that is to say in a case where there was no consent as such to the corrupt practice committed, the election could be avoided only if the result of the election had been materially affected thereby.

Sub-section (2) provides a further safeguard to the candidate in regard to category of cases provided under sub-section (1)(d). That says that even where there had been a corrupt practice committed on the part of the agent, the candidate can at the discretion of the tribunal escape the consequences of having the election declared void. In other words where the corrupt practice had been committed by an agent and where it has been shown that the result of the election had been materially affected by reason of such corrupt practice, if the conditions contained in sub-section (2) were to be satisfied, the Tribunal may decide that the election of the returned candidate need not be set aside notwithstanding the provisions of sub-section (1)(d). Sub-section (2) to Section 100 cannot therefore be read as prescribing any rule as to the onus of proof. It is in the nature of an exception to sub-section (1)(d). We cannot, therefore agree with the contention that where, once it is proved that an agent of the candidate had committed a corrupt practice without the knowledge of his principal, the burden will immediately shift to the returned candidate to show that he had taken all precautions against it and that he was himself blameless in regard to that matter. The true rule is, it will be for the person impugning the election to prove that there was corrupt practice on the part of the agent of the returned candidate, and that such corrupt practice had materially affected his election. Even in such a case the returned candidate is allowed to escape the consequences of section 100(1) of the Act by showing, that he was entitled to protection under sub-section (2).

In the present case what can be taken as proved is the commission of a corrupt practice by R.W. 7—an agent within the meaning of Section 123 without the consent of the candidate or his election agent. We have therefore to see whether the result of the election had been affected by the corrupt practice.

There is no evidence as to how many voters were influenced by the threats of R.W. 7. We have already referred to Exhibit A-27 which shows that the first

respondent had secured in that village only 630 votes while the appellant had obtained 1,416 votes. Even assuming that all the persons who cast their votes in favour of the first respondent did so as a result of the exhortation made by R.W. 7, those 630 votes alone will have to be struck off; that would not turn the scales in favour of the appellant. We are, therefore of the opinion that the second of the contentions challenging the validity of the first respondent's election is without substance.

3. Coming to the third charge, the case for the appellant is that there had been an erroneous refusal on the part of the Returning Officer to On the other had recount will be granted only if there is an allegation of miscount substantiated by specific instances and reliable *prima facie* evidence. In this connection a distinction should be made between a case of directing a recount of votes polled and one of setting aside of an election under Section 100(1)(d) of the Act. In the latter case it will be necessary for the party impugning the election to prove that the result of the election had been effected by the material irregularity alleged. But that will not be necessary for the purpose of directing a recount. In England recount is ordered as a matter of course provided a *prima facie* case is made out. Although there can be no election petition in this country praying only for recount, in an application for setting aside an election, recount can be directed.

In Lakshmana Iyer V. Rajam Iyer (58 M.L.J. 118) Courgenven, J. referred to the English law on the subject and held that if there were reasonable grounds for believing that there had been a mistake on the part of the Returning Officer, the Court could make an order directing recount of the votes.

The learned Election Tribunal in the instant case appears to have thought that in order to entitle the appellant to obtain a direction for recount of votes, it was necessary that he should prove that there was a likelihood of the recount showing that he had really succeeded in obtaining a majority of votes. This is clearly an erroneous view of the matter. We have only to see whether a *prima facie* case had been made out that there has been miscount. Before the Election Tribunal a number of charges were made in regard to reception of invalid votes; but the appellant's complaint in that respect was negatived. At the same time, it was held that the appellant had *prima facie* shown that 605 votes had wrongly been rejected. Mr. Venugopal did not, however, press the case that there was such an improper reception or rejection of votes as would merit the setting aside of the election under Section 100(1)(d) of the Act even now; but he submitted that the proved instances would be sufficient to induce the Court to direct a recount. In support of his contention he relied on the evidence of the Returning Officer, R.W. 10, who admitted that a bundle containing 50 ballot papers with the 'tree symbol' of the appellant was wrongly put along with the bundle of votes (Ballot papers) cast in favour of the first respondent. Although the appellant claimed that it was he that discovered and pointed out the mistake, we have no hesitation in accepting the evidence of R.W. 10 who stated that it was he who noticed the mistake, and that he immediately rectified the same. This mistake cannot, however, entitle the appellant to a recount, for it had been rectified before counting. The appellant filed an application before the Returning Officer under Rule 63 of the rules framed under the Act for recount. He complained that several of the votes which were marked against his symbol were improperly rejected and that secondly a number of doubtful votes which were marked partly between the Banian tree symbol and the yoked bull symbol had been treated as valid votes cast in favour of the first respondent; again, there were a number of votes missing and if a proper count were taken, the result of the election would have been different. The Returning Officer however rejected this petition. From his order it is not clear that he applied his mind to the objection set out above. He held that there was no justification for any apprehension on the part of the appellant that one mistake namely the mixing of a bundle containing fifty votes cast in his favour with supply postal ballot papers to the polling personnel of whom there were as many as 3,750 voters and that such refusal had vitiated the election. As pointed out by the Election Tribunal, there is no proof as to how many of the polling personnel were voters in that particular constituency and how many of them applied for the supply of postal ballot papers to exercise their voting rights by post; but there is however a considerable body of evidence in the case to show that the returning officer had improperly refused to supply them with postal ballot papers to a substantial number of the polling officers who had applied for them within the time prescribed and in proper form. Most of their applications had been rejected on the ground that they had not given the name of the polling stations to which they were posted to do duty. The returning officer evidently failed to realise that the assignment of

polling duties and allotting of persons to particular polling stations was done only two or three days prior to the election day, while the applications for the supply of postal ballot papers by persons who had been assigned polling duties were to be made one week in advance of the election day and that it would be practically impossible for any of the polling personnel to give information required of them. We agree with the learned Election Tribunal that the refusal by the Returning Officer to supply these persons with ballot papers was a denial of an opportunity to those persons to exercise their franchise and that it amounted to an election irregularity. We endorse the view of the Election Tribunal that this omission on the part of the Returning Officer is a highly regrettable one. But the existence of that irregularity will not be sufficient to avoid the election. We have to see whether by reason of such irregularity the result of the election has been shown to have been materially affected. As we stated earlier there was no precise evidence in regard to the number of voters who applied for the supply of postal ballot papers. The Election Tribunal has estimated it to be between 1,000 to 1,500. It is impossible to say that if the polling personnel had been allowed to exercise their franchise by providing them with postal ballot papers, they would necessarily have cast their votes in favour of the appellant and thereby enabled him to win the election. It is true that the appellant had stated in his evidence that several of them had promised to vote for him. But it is well known that election promises mean nothing. Notwithstanding the fact that several of such voters had promised to vote for the appellant there is no evidence as to how many of such voters would have cast their vote in his favour. Indeed even if there was such evidence the probative value of it will have to be carefully examined. Any attempt at this stage to find out to whom the polling personnel would have voted if they had been allowed to vote would be nothing but a venture in a speculative field. In *Vasisht Narain Sharma Versus Dev Chand* [10 E.L.R. (S.C.) 30] the Supreme Court laid down that the language of Section 100(1)(c) now Section 100(1)(d) clearly places the burden of proving that the result of the election has been materially affected on the petitioner who impugned the validity of the election and that therefore before declaring an election void, the Tribunal must find out that the result of the election had been materially affected. Such a result could not be judged by a mere increase or decrease in the total number of votes secured by the returned candidate but by proof of the fact that the votes would have been distributed in such a manner between the contesting candidates as would have brought about the defeat of the returned candidate.

That was a case of an improper acceptance of the nominations of a candidate with the result that at the poll the improperly accepted candidate secured certain number of votes which were thereby wasted. It was held that there could be no presumption that the wasted votes would have gone to one candidate or the other, and that that was a matter which had to be proved by satisfactory evidence and not by speculation or appraisal of the possibilities. Applying the principle laid down in that case to the present one, we are of opinion that it will be a mere surmise if we were to hold that all the votes of the polling personnel would have gone in favour of the appellant and would have shown the balance in his favour. There is, therefore, no case for setting aside the election on the basis of the improper refusal of the returning officer to provide postal ballot papers to the polling personnel for exercising their franchise at the election.

What then remains is the earnest plea made on behalf of the appellant by Mr. Venugopal for directing a fresh scrutiny of the ballot papers and a recount of the same. Recount is ordered when the Tribunal or the Court is satisfied that there is room to doubt the correctness of the original count. Recently a Bench of this Court to which one of us was a party (C.M.A. No. 297 of 1962) laid down that no request for recount could be granted if it rested on nebulous allegations about the counting of votes and where no *prima facie* case was made out to warrant the directing of a recount. The bundles of votes cast in favour of the first respondent was indicative of similar mistakes. But the Returning Officer did not consider the other grounds. We feel that the Returning Officer might have done well and avoided much of the criticism, if he had merely granted the appellant his request. Rule 63 provides for recount in such cases.

We shall now proceed to consider whether there is a *prima facie* ground for ordering a fresh count. The case of the appellant is that there were certain ballot papers in which the voters had put the marks between two compartments of symbols and that it was the duty of the Returning Officer to have decided to which candidate such votes should go. R.W. 6 stated that if the voting mark fell on the dividing line, he would give credit to the candidate on the side of whose

symbol it transgressed. If, however, it was on either side of it, he would give credit to that candidate against whose symbol the major portion of the mark fell. That there was a mistake in his evidence has been pointed out by the Election Tribunal who accepted the evidents of R.W. 10 that as the diameter of the mark or seal was less than the breadth of the dividing line between the two symbols, no mark could lie on both the compartments. We are, however, unable to see from the records in the case, whether this is so or not. There is undoubtedly a discrepancy between the evidence of R.W. 6 and R.W. 10. But both of them being men of respectability, their evidence cannot be lightly ignored. Then there was a complaint in regard to the actual counting of votes. According to the appellant in certain cases, an impression made against his symbol on being folded while wet, made another impression against the symbol (elephant) of the second respondent. The complaint on the side of the appellant is that although it was clear from the ballot papers that the intention of the concerned voters was to vote in favour of the appellant, such and similar votes were improperly rejected by the Returning Officer. The Election Tribunal has dealt with this complaint in paragraph 33 of his judgment. There can be little doubt that there were cases of such duplication of marks. R.W. 10 would estimate them to be between 100 to 200; but whatever that might be, these instances would surely require further scrutiny. The appellant then referred to certain votes in respect of which objection was raised as to their validity, and of a decision being given thereon by the supervisor and not by the Returning Officer. There is some justification for this complaint. In his evidence R.W. 6 stated "if a candidate or his agent objected saying a vote was a doubtful vote, but the superior did not agree, he the supervisor could accept it as valid." This is not in accordance with the rules, as any decision in regard to the validity of votes has to be given only by the Returning Officer at the time of the counting. The next complaint of the appellant is that he was allowed only eight agents for the sixteen counting tables and that, therefore, his agents could not notice every irregularity that was being committed. There is however nothing in this. It was also alleged that in all cases where the marks fell on the foliage of the tree symbol (appellant's), such votes were rejected, as being indistinct. R.W. 13 one of the Assistant Returning Officers stated that a mark on the foliage of tree symbol might be fainter than similar marks on the other symbols, and they might not be easily visible. But he also stated that even if there had been such a faint mark he would have given credit to that symbol. It will be noticed that the petition for recount does not mention this irregularity. It cannot be held therefore that this irregularity in counting has been made out. Then there is smudged marks. The appellant's complaint is that several of such ballot papers clearly indicated that the votes were cast in his favour, but that they were all rejected. There was also the further feature in the case, namely, that certain votes were missing and R.W. 6 was unable to explain how the mistake arose in regard to the difference in the number of votes recorded and those actually counted. The learned Election Tribunal has not given a categorical finding as to whether there was a *prima facie* case in regard to this irregularity. He has stated in paragraph 36:—

"In the circumstances I would find on Issue 5 that even if some votes were wrongly rejected for the petitioner, they could never number more than 595 plus 61, i.e. 656 votes, even assuming the accuracy of the evidence of P.Ws. 2, 3 and 8 and the correction in the figure in Exhibit A-28 which is unexplained—Vide R.W. 6 and which shows that presumably some votes were missing as stated by the petitioner in para 4 or Exhibit A-2. Under issue 7 I find that no clear *prima facie* case for a recount has been made out by the petitioner. Since I consider that no useful purpose would be served by a recount even of the rejected votes only (the petitioner not being entitled to any recount of votes in favour of the first respondent) as there is not even a remote likelihood of any such recount showing that the petitioner lost 2,900 minus 1,406, i.e. 1,494 votes wrongly."

The Election Tribunal again observed:

"That although there was no reason to think that there was any *serious* miscount even assuming the evidence of P.Ws. 2, 3 and 8 to be entitled to its full face value, the petitioner can be considered to have lost only 595 votes in all and then having regard to the 61 votes representing the difference in the typed figure 7,752 and the written figure 7,813 in regard to the rejected votes in Exhibit A-28, the petitioner could claim that 61 missing votes were lost to him and that the benefit of the same should ensure in his favour. But even

cumulatively this would account only for 1,406 votes more in favour of the petitioner. But this figure is a far cry from 2,900 votes more which he should get to succeed in getting the first respondent's election declared void and himself declared duly elected, as prayed for in his petition."

It is clear from the foregoing that the Election Tribunal was, as we said before, under an erroneous impression that in order to entitle the appellant to claim a recount he should place evidence showing that there was irregularity in regard to entire difference between the number of votes secured by him and those by the returned candidate. As we pointed out there is no justification for this view. The duty of the appellant is merely to make out *prima facie* case. On the findings of the Election Tribunal itself, there is such a *prima facie* case to justify a recount. We, therefore, direct that there shall be a scrutiny of the votes polled at the election and a recount of the same.

The Election Tribunal will be directed to submit a report on taking a recount of the votes. The report will be submitted so as to reach this Court before the 29th of this month. The Tribunal will be entitled to take such assistance as might be necessary for the scrutiny and recount of the votes.

In pursuance of the said Order the Election Tribunal (District Judge), Madurai submitted the following:—

REPORT

By order, dated 19th April 1963, on A.A.O. No. 340 of 1962, the first Bench of the High Court has called upon me, to recount the votes relating to the Periakulam Parliamentary Constituency and submit a report, by 29th April 1963. For, while confirming the other findings of mine, as Election Tribunal, the High Court considered, that, in my view, that the evidence about irregularities accounted only for about 1400 votes and not for the entire difference between the successful candidate viz., the 1st respondent, and the petitioner (of nearly 2900) was erroneous; and, it was enough, if there was a *prima facie* case, to justify a recount.

2. Immediately on receipt of the telegram from the High Court, I applied for a copy of the judgment of the Court. As the 1st respondent's advocate felt a doubt, whether I was not *functus officio*, after pronouncing judgment of the Tribunal in Election Petition No. 66/62. I wired to the Election Commission at New Delhi, by way of *abundant caution*, for being re-appointed as Election Tribunal, if necessary (a copy of which was also forwarded to the High Court). The Election Commission has replied, by a wire, that no re-appointment is necessary, and that the prior appointment stands. The High Court has also instructed and authorised me, to proceed with the re-counting, as the Madras High Court is seized of an appeal against my judgment, as Election Tribunal, and so, I can function.

3. I immediately sent for all the boxes containing the entire ballot papers, from the Collector, Madurai, and gave notice to the counsel on both sides, Mr. S. Narayanaswamy Sastrigal, for the petitioner, and Mr. R. Harihara Iyer for the 1st respondent, about the recount to commence from Tuesday: the 23rd April, as the High Court requires me to submit a report by the 29th April 1963. I arranged police-guard and guard peons also. I also requested the Judicial Officers and appointed clerks, for 15 tables, as shown by Annexure I,* accompanying this report. Each table had an officer or an Upper Division Clerk, assisted by another clerk. By the side of each table, there was one agent for the petitioner and one agent for the 1st respondent. I sat in front of the Judge's seat in District Court Hall, Madurai, in a central chair, with Mr. S. Narayanaswami Sastrigal for the petitioner on my right side, and Mr. R. Harihara Iyer for the 10-30 A.M., as it was an Amvasya day.

4. The Periakulam Parliamentary Constituency consists of five assembly constituencies viz., (1) Kodaikanal, (2) Theni, (3) Uthamapalayam, (4) Audipatti (5) Bodi. At first, the box, containing ballot papers relating to the Kodaikanal Constituency, was opened in my presence; and the packets were distributed to the different tables; and, then, the Theni Constituency-votes were distributed and counted, both on 23rd April 1963, on which date, counting commenced only after 10-30 A.M., as it was an Amvasya day.

5. On 24th April 1963, counting commenced, earlier, even by 10 A.M. On that day, Uthamapalayam Constituency votes were counted, first, then Audipatti votes were counted, next, and finally, the Bodi-Assembly Constituency votes were counted.

* Not published.

6. I had given instructions to the counting staff, even on the evening on Monday, the 22nd, by holding a special class, in the District Court Hall. They were told, that *double-votes*, for two symbols were invalid; but, if the seal or ink was, only on one compartment against one symbol, however faint, *without any other mark of seal in any other compartment or on the back*, the vote should be reckoned as valid, for that symbol. If the mark of symbol was, entirely, on the border (the width of the border being equal to the diameter of the marking seal), the vote should be held as invalid, as the intention of the voter could not be inferred, one way or the other. Equally invalid were the votes showing some mark above the border and some mark below the border due to the seal being put twice, or rolled. But, if the seal was above the border, within the middle compartment, relating to the bull, then the vote should be passed, for the bull-symbol. If, however, the seal was even slightly below the border against the tree-symbol, it was to be passed for the tree symbol. Though there was a clear seal or mark, on the symbol, if there was a specific mark or seal on the back of the ballot-paper, *which was not attributable to ink seeping through* the vote was to be treated, as invalid. Equally invalid would be the votes, in cases where the seal or mark was on the back side of the ballot paper, ink seeping through on the front. But, where the mark or seal was, clearly for the bull-symbol or tree-symbol, even if the ink had seeped through, on the back-side, such votes were to be reckoned, as valid, for that particular symbol. Even if the mark or seal was found against a particular symbol on the front side. If there was some ink, on the back side, not attributable to ink seeping through, thereby throwing doubt, as to whether there was a mark on the back side also, the vote was to be rejected as invalid, for whichever symbol it was. If there was a clear mark on the symbol, and due to wrong cross-wise folding, there was a faint or smudged mark, on another symbol, credit was to be given to the symbol, on which the mark was clear, as the faint or smudged ink was only due to wrong cross-wise folding of the ballot paper.

7. These instructions were, again, repeated, at the commencement of the counting, after 10-30 a.m. on 23rd April 1963. Whenever an agent or either of the counsel, sitting by the side of the table objected to a particular vote, the clerk in that table, brought the concerned ballot-paper to me; and, I showed it to counsel on either side of me, and held the vote valid or invalid, as the case may be, on the spot. There were two or three instances, where a valid vote for the tree symbol had been wrongly bundled up, along with the ballot papers relating to the bull symbol. In such cases, the bull-symbol was declared to have lost one vote, and tree symbol was declared to have gained one vote, making a difference of two. In one bundle, there was a larger number of votes; but, the figure given was less, by four, for the bull symbol, in table No. 6. In that case, the bull symbol was declared to have gained four votes more. Out of the postal-ballot papers, two were declared invalid, due to some writing of the word, like 'yes' against the bull symbol, and five were held invalid, as they were the routine ballot papers and not the prescribed *ballot papers for postal ballot*; so, the authenticity of such ballot papers was doubtful, as the seal of the Returning Officer was also not found on the back side, though there was a valid cross-mark for the bull symbol.

8. On the whole, there was a very thorough and careful scrutiny, by the agents on both sides, and by their counsel, subject to a ruling, given by me, on the spot, whenever necessity arose.

9. There was a faint plea by Mr. S. Narayanaswamy Sastrigal, for the petitioner, at the bag end of the recount, suggesting as if all the rejected votes had not come to Court. *Prima facie*, there is no basis, for this suggestion, as all the boxes, containing the entire ballot papers were brought, with seals quite in tact; and, I had guard peons and also police guards for the two or three days during which the boxes were in Court. And, every box was opened only in my presence. When this was pointed out to Sri Narayanaswami Sastrigal, he said that he meant only custody in the Revenue Department. Annexure VIII gives the total number of rejected votes, as 7674, while the Revenue Department figure is 7813. Anyhow, that cannot help the petitioner, on recount, included and credited in favour of the petitioner.

10. The net result of the above re-count leads to the following results, as shown by Annexures II to VII. Before re-count, the 1st respondent had secured 1,46,829 votes, as against 1,43,930 votes secured by the petitioner, the difference being 2,899 votes. On recount, it is seen that the 1st respondent's bull symbol has lost 369 votes, i.e., in the ultimate analysis, the 1st respondent has secured

only 1,46,829 minus 369 (i.e.), 1,46,460. Similarly, the petitioner's tree symbol has gained 204 votes more, so that, on recount, it has secured 1,43,930 plus 204 i.e., 1,44,134, the difference between the two, being 2326, (i.e.) the original difference of 2899 has been reduced by 573 votes as a result of the re-count.

11. I made a reference to the High Court, as to whether it is necessary to re-count the petitioner's votes, as there was no recrimination by 1st respondent. Only on 25th April 1963 I received the High Court's reply, saying, that re-count means re-count of all votes. The 1st respondent's counsel, Mr. Harihara Iyer, is not prepared to file an *unqualified memo* saying, that the petitioner's votes need not be counted. So, I have ordered a re-count of the petitioner's votes also, from 10 a.m. on 27th April 1963; and the counting may take at least 2 days.

12. I am, hereby, submitting this interim report, on a recount of all other votes, except the petitioner's votes, as the petitioner's tree-symbol cannot gain any votes even if it may lose some votes or the bull symbol may gain any votes, on the re-count of petitioner's votes. I may be permitted to submit a supplemental report, after a re-count of the petitioner's votes, by 29th April 1963 so as to reach the High Court on 30th April 1963.

APPENDIX II

KODAIKANAL CONSTITUENCY

[illegible]

APPENDIX III

THENI CONSTITUENCY

Table No.	Bull			Tree			Ultimat differenc			
	Gain	Loss	Net loss or gain	Gain	Loss	Net Loss or gain				
1.	7	..	Gain	7	2	..	Gain	2 Minus	5	
2.	I	8	Loss	7	3	..	"	3	10	
3.	..	3	"	3	5	..	"	5	8	
4.	I	12	"	11	11	..	"	11	22	
5.	I	..	Gain	I	..	..	"	Minus	I
6.	6	6	Nil		8	..	Gain	8	8	
7.	..	10	Loss	10.	3	..	"	3	13	
8.	..	I	"	I	3	..	"	3	4	
9.	..	3	"	3	2	..	"	2	5	
10.	2	3	"	I	3	..	"	3	4	
11.	I	7	"	6	9	..	"	9	15	
12.	I	3	"	2	4	..	"	4	6	
13.	..	3	"	3	4	..	"	4	7	
14.	I	4	"	3	4	..	"	4	7	
15.	..	10	"	10	8	..	"	8	18	
TOTAL LOSS			52	TOTAL GAIN			69			
TOTAL DIFFERENCE										12

APPENDIX IV

UTHAM APALAYAM CONSTITUENCY

Table No.	Bull			Tree			Difference		
	gain	Loss	Net Loss or gain	Gain	Loss	No Loss or gain			
1.	..	5	Loss	5	1	..	Gain	1	6
2.	..	12	..	12	6	..	..	6	18
3.	..	2	..	2	2	..	..	2	4
4.	..	5	..	5	2	..	..	2	7
5.	..	1	..	1	2	..	..	2	3
6.	2	..	Gain	2	..	..	Nil	..	2
7.	1	5	Loss	4	2	..	Gain	2	6
8.	..	2	..	2	..	..	Nil	..	2
9.	..	3	..	3	2	..	Gain	2	5
10.	..	8	..	8	2	..	..	2	10
11.	2	4	..	2	2	..	..	2	4
12.	..	1	..	1	..	..	Nil	..	1
13.	1	9	..	8	1	..	Gain	1	9
14.	1	1	Nil	..	2	..	..	2	2
15.	2	11	Loss	9	3	..	..	3	12
TOTAL LOSS			60	TOTAL GAIN			27		
				TOTAL DIFFERENCE			87		

APPENDIX V

ANDIPATTI CONSTITUENCY.

Table No.	Bull			Tree			Difference			
	Gain	Loss	Net Loss or gain	Gain	Loss	Net Loss or gain				
1.	I	8	Loss	7	I	..	Gain	I	8	
2.	2	7	"	5	I	..	"	I	6	
3.	..	3	"	3	I	..	"	I	4	
4.	2	6	"	4	4	..	"	4	8	
5.	Nil	Nil	Nil	Nil	Nil	..	Nil	Nil	Nil	
6.	2	9	Loss	7	5	..	Gain	5	12	
7.	..	10	"	10	3	..	"	3	13	
8.	I	..	Gain	I	2	..	"	2	I	
9.	..	5	Loss	5	2	..	"	2	7	
10.	3	6	"	3	I	..	"	I	4	
11.	4	3	Gain	I	4	..	"	4	3	
12.	2	6	Loss	4	5	..	"	5	9	
13.	..	6	"	6	2	..	"	2	8	
14.	I	10	"	9	3	..	"	3	12	
15.	2	II	"	9	4	..	"	4	13	
	TOTAL LOSS			70	TOTAL		GAIN	38		
									TOTAL DIFFERENCE	108

APPENDIX VI

BODI CONSTITUENCY

Table No.	Bull			Tree			Difference		
	Gain	Loss	Net Loss or gain	Gain	Loss	Net loss or gain			
1.	..	11	Loss	11	4	..	Gain	4	15
2.	1	18	"	17	2	..	"	2	19
3.	..	5	"	5	..	..	"	..	5
4.	3	6	"	3	4	..	Gain	4	7
5.	..	1	"	1	2	..	"	2	3
6.	2	7	"	5	2	..	"	2	7
7.	1	6	"	5	3	..	"	3	8
8.	..	3	"	3	1	..	"	1	4
9.	..	13	"	13	2	..	"	2	15
10.	1	13	"	12	8	..	"	8	20
11.	..	8	"	8	8	..	"	8	16
12.	..	9	"	9	..	..	"	..	9
13.	..	10	"	10	2	..	Gain	2	12
14.	1	14	"	13	3	..	"	3	16
15.	3	10	"	7	3	..	"	3	10
TOTAL LOSS			122	TOTAL GAIN			44		
				TOTAL DIFFERENCE				166	

APPENDIX VII

POSTAL BALLOT PAPERS

As there was writing of the word 'yes' on two of the postal ballot papers, they were declared invalid.

Five postal ballot papers were declared invalid, as they were ordinary ballot papers, and not the prescribed postal ballot papers, nor did they contain the seal of the returning officer on their back.

Thus, the 7 ballot papers, in favour of the bull symbol, were declared invalid. Therefore bull symbol loses 7 votes.

ANNEXURE VIII. Total number of Rejected votes in all the five constituencies.

Table No.	Kodaikanal	Theni	Uthama-Palayam	Andipatti	Bodi-Naicker	Total
1	182	80	131	143	184	720
2	75	127	96	100	179	577
3	87	46	77	29	153	392
4	91	118	100	100	194	603
5	100	109	97	131	134	571
6	96	69	63	111	138	477
7	51	63	101	79	120	414
8	101	65	114	63	149	492
9	92	32	53	76	123	376
10	113	97	67	46	129	452
11	131	58	99	46	144	478
12	154	81	84	55	130	504
13	102	37	109	68	129	445
14	75	171	65	46	97	454
15	100	154	167	123	168	712
TOTAL	1550	1307	1423	1216	2171	7667
Rejected postal ballot papers (<i>vide</i> App. VII).						7
GRAND TOTAL						7674

Supplemental Report submitted on a re-count of the petitioner's votes, as directed by the High Court, in B.C. 125/63, dated 24th April 1963 (Received on 25th April 1963).

In continuation of my Interim Report, dated 26th April 1963, I have the honour to submit this Final Report on a re-count of the petitioner's votes.

(2) The re-counting of the petitioner's votes was commenced at 10 a.m., on 27th April 1963 and went on till 5-30 p.m., on 27th April 1963. It was, again continued on 28th April 1963 at 10 a.m., and finished at 12 noon on 28th April 1963. The break was due to my impression that the 1st respondent did not want a re-count of the petitioner's votes. But, the memo was not *unqualified*.

(3) On behalf of the petitioner, his counsel, Mr. S. Narayanaswamy Sastrigal was present, while, on behalf of the 1st respondent, his senior counsel Mr. R. Harihara Iyer did not come, but his junior Mr. B. Sankaranarayana Iyer was present and represented him.

(4) During these two days 27th April 1963 and 28th April 1963 there were comparatively few references to me, for my ruling, unlike on 23rd April 1963 and 24th April 1963, as even Mr. B. Sankaranarayana Iyer candidly conceded that some votes for the tree-symbol were valid, and Mr. S. Narayanaswami Sastrigal, for the petitioner, himself, conceded that some clear votes for the bull symbol had been wrongly bundled up, along with the bundles for the tree-symbol,

and also some double votes and some mark or seal on the back of some of the ballot papers rendered them invalid.

(5) On 27th April 1963, the Petitioner's votes in Kodaikanal, Theni, Uthamapalayam and Andipatti constituencies were counted, while, on 28th April 1963, Bodi constituency votes, as well as postal ballot papers were counted. As already indicated, there were a number of clear votes, cast for the bull symbol, wrongly bundled up along with the votes for the tree symbol; and, in those cases, the bull was declared to have gained one, and the tree symbol was declared to have lost one. There were also a few cases in which the number of votes were wrongly totalled up.

(6) Appendix I* gives the list of staff, employed for the re-counting. Appendix II gives the loss to the tree symbol, and the gain to the bull-symbol, table-war, in the Kodaikanal Constituency. Likewise, Appendix III relates to the Theni constituency showing the loss to the tree symbol and the gain to the bull symbol; Appendix IV relates to the Uthamapalayam constituency, Appendix V relates to Andipatti Constituency; Appendix VI to the Bodi Constituency. There was no change or difference in regard to the postal ballot papers.

(7) The net result of the re-count of the petitioner's votes, is:—that the petitioner's tree symbol loses 520 votes, while the 1st respondent's bull symbol gains 153 votes, making in all, a difference of 673 votes between the two, in favour of the 1st respondent, which more than offsets the difference of 573 votes, the figure given in my Interim Report. That means, the original differences of 2,899 votes between the two candidates in favour of the 1st respondent is increased by 100 votes.

(8) In this ultimate analysis, the 1st respondent gets 1,46,460 plus 153 i.e. 1,46,613; while the petitioner gets 1,44,134 minus 520 i.e. 1,43,614, making a difference of 2,999 votes in favour of the 1st respondent.

(9) I must place on record my thankfulness to the counting and distributing staff (enumerated in appendix I) for their whole-hearted work and co-operation, in finishing the work and enabling me to submit a report, within the stipulated time.

* Appendix I not published.

APPENDIX II

KODAIKANAL CONSTITUENCY

Table No.	Tree symbol loses.	Bull symbol gains.	Difference.
1	11	3	14
2	18	5	23
3	13	2	15
4	22	6	28
5	6	1	7
6	8	2	10
7	10	2	12
8	5	2	7
9	2	2	4
10	18	6	24
11	16	6	22
12	10	2	12
13	4	nil	4
14	6	nil	6
15	2	1	3
TOTAL . . .	151	40	191

APPENDIX III
THENI CONSTITUENCY

Table No.	Tree symbol loses	Bull symbol gains	Difference
1	3	1	4
2	7	3	10
3	8	4	12
4	8	3	11
5	4	1	5
6	9	4	13
7	9	4	13
8	7	3	10
9	4	2	6
10	12	1	13
11	3	2	5
12	7	4	11
13	6	3	9
14	6	3	9
15	18	6	24
<hr/>			
TOTAL . . .	111	44	155

APPENDIX IV
UTHAMAPALAYAM CONSTITUENCY

Table No.	Tree symbol loses	Bull symbol gains	Difference
1	4	3	7
2	7	nil	7
3	7	1	8
4	7	1	8
5	1	nil	1
6	7	5	12
7	18	nil	18
8	1	1	2
9	2	1	3
10	4	1	5
11	1	1	2
12	2	nil	2
13	3	nil	3
14	8	4	12
15	7	1	8
<hr/>			
TOTAL . . .	72	18	90

APPENDIX V
ANDIPATTI CONSTITUENCY

Table No.	Tree symbol loses	Bull symbol gains	Difference
1	6	4	10
2	11	3	14
3	5	5	10
4	5	nil	5
5	2	2	4
6	6	1	7
7	5	2	7
8	2	nil	2
9	3	3	6
10	4	2	6
11	6	2	8
12	5	2	7
13	5	1	6
14	nil	nil	nil
15	3	nil	3
TOTAL	68	27	95

APPENDIX VI
BODI CONSTITUENCY

Table No.	Tree symbol loses	Bull symbol gains	Difference
1	13	nil	3
2	6	1	7
3	8	2	10
4	14	1	15
5	5 (five)	3 (three)	8
6	5	2	7
7	11	4	15
8	4	2	6
9	6	1	7
10	10	2	12
11	6	1	7
12	13	2	15
13	4	nil	4
14	13	2	15
15	10	1	11
TOTAL	118	24	142
Postal ballot papers—no change or difference.			
GRAND TOTAL	520	153	673

BEFORE THE ELECTION TRIBUNAL, MADURAI

O. P. No. 66 of 1962.

Between :

Mathiah *Petitioner*

and

M. MALAICHAMY *1st Respondent*

MEMO SUBMITTED BY THE 1ST RESPONDENT

I. Without prejudice to his rights to object to the rejection of some of the votes and acceptance of some votes for the petitioner, made by the Tribunal during the scrutiny and re-count yesterday and to-day, and

2. Without prejudice to his rights to press his contentions that as per the order of the High Court and as per the decisions on the subject, petitioner's votes also could be scrutinised and re-counted and shown to be wrongly counted even though no recrimination was made against the petitioner.

3. This respondent submits that in the light of the result of scrutiny and re-count of all other votes, it has become unnecessary for the present and in the circumstances to scrutinise and re-count the petitioner's votes.

4. This respondent also submits that he does not give up his rights to have scrutiny and re-count of the petitioner's votes, if that should become necessary at any later stage of the proceedings.

This Appeal coming on for final hearing on this 1st day of May, 1963, after the return of the reports by the Election Tribunal, Madurai regarding re-count of votes in E.P. No. 66/62 the Court made the following Order:—

C.M.A. No. 340 of 1962

(Judgment delivered by the Honourable the Chief Justice)

We directed the District Judge, Madurai, who was functioning as Election Tribunal with respect to his matter, to re-count the votes concerned in Election Petition No. 66 of 1962. The District Judge has, with commendable promptitude, made the re-count and submitted a report. The report shows that there have been some errors in the original counting, but that such errors, even if rectified, would not have affected the original result as declared by the Returning Officer. The first respondent, the successful candidate, was declared to have secured 1,46,829 votes by the Returning Officer; but, on a re-count, it has been found that 369 votes which had been, given credit to in his favour, could not be so done. The result is that the first respondent in reality secured only 1,46,460 votes. By the same process, the petitioner is found to have secured 204 votes more, so that, on a re-count, he is shown to have been obtained 1,44,134, the difference between the two thus being 2,326 votes. The original difference between the successful candidate and the petitioner was 2,899 votes. That has now been reduced by 573 votes. Still, the first respondent has got a majority of 2,326 votes over the petitioner. That means the result of the election as declared by the Returning Officer was properly declared, and there is no case for setting aside the election. The appeal fails and is dismissed.

The Appellant will pay the costs of the respondent. There will be no order as to costs in regard to the re-count.

MEMORANDUM OF COSTS

1st Respondent (Respondent 1) Costs

	Rs.	nP.
Stamp for Vakatnama	..	3-00
Advocate's fee (as taxed and certified)	..	500-00
Translation and Printing/Typing charges	..	0-00
To be paid by the Petitioner to the 1st Respondent (Respondent 1)	..	503-00

(To be attached to the advance order, dated 1st May 1963 and made in A.A.O. No. 340 of 1962).

(Sd.) C. R. VAIDYANATHAN,
Assistant Registrar, Appellate Side.

(Sd.)

Sub-Assistant Registrar, Appellate Side.

[No. 82/66/62.]

A. N. SEN, Under Secy.

MINISTRY OF HOME AFFAIRS*New Delhi, the 15th June 1963*

S.O. 1669.—By virtue of the powers conferred under section 41(a) of the Arms Act, 1959, the Central Government is pleased to exempt Mr. D. FELBABOV, commercial Attache of the Embassy of the Socialist Federal Republic of Yugoslavia, New Delhi, from the operation of the prohibitions and restrictions imposed under the Arms Act and the rules framed thereunder in respect of import into India by air, transport and possession in Delhi until he obtains a valid appropriate licence under the Arms Rules 1962 for one rifle of .22 bore (single shot).

[No. 38/27/63-P.IV.]

L. I. PARIJA, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS*New Delhi, the 11th June 1963*

S.O. 1670.—Shri Muni Lal, Deputy Secretary to the Government of India in the Ministry of External Affairs, is appointed to officiate as Controller General of Emigration with the Government of India with effect from June 10, 1963 vice Shri S. K. Banerjee, proceeded on leave.

[No. CPEO/15/63.]

N. R. MUKHERJEE,
Attache (PVA).

OFFICE OF THE COLLECTOR, CENTRAL EXCISE, PATNA**TRADE NOTICE***Patna, the 23rd May 1963*

SUBJECT:—Cosmetics and toilet preparations-maintenance of R.G.I./E.B. 4-rule 53 of Central Excise Rules 1944-Relaxation of.

S.O. 1671.—It has been decided that the manufacturers of Cosmetics and Toilet preparations may make necessary entries in the R.G.I./E.B. 4 only on the dates when there is some manufacture, clearance or removal to the store room. In other words, they need not make entries in the accounts for individual items on dates when there is no manufacture, deposit in the store-room or removal out of the factory.

[No. 27/1-MP/63.]

A. R. SHANMUGAM, Collector.

THE BOMBAY CENTRAL EXCISE COLLECTORATE**CENTRAL EXCISES***Bombay, the 7th June 1963*

S.O. 1672.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I hereby empower the Assistant Collectors and Superintendents of Bombay Central Excise Collectorate to exercise the powers vested in me under sub-rule (3) of Central Excise Rule 206 of the Central Excise Rules, 1944 for the purpose of releasing seized goods on execution of Bond in form B11(sec.) in accordance with their powers of adjudication within their respective jurisdiction.

[No. CER-5/3/63.]

A. K. BANDYOPADHYAY,
Collector.

MINISTRY OF COMMERCE AND INDUSTRY*New Delhi, the 12th June 1963*

S.O. 1673.—In exercise of the powers conferred by section 10 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956), read with rules 13 and 14 of the Khadi and Village Industries Commission Rules, 1957, the Central Government hereby appoints Shri K. P. Madhavan Nair as member of the Khadi and Village Industries Board and directs that the following amendment shall be made in the Notification of the Government of India in the Ministry of Commerce and Industry No. S.O. 1240, dated the 27th April, 1963, namely:—

In the said Notification, after Serial No. 46 and the entries relating thereto, the following Serial No. and entries shall be inserted, namely:—

1	2	3
47. Shri K. P. Madhavan Nair, Ernakulam Mills, Ernakulam.		12-6-1963.

[No. 41/4/62-KVI(P).]

H. K. BANSAL, Under Secy.

New Delhi, the 15th June 1963

S.O. 1674.—The following amendments made by The Agra Merchants' Chamber Limited, Agra, to its Articles of Association in exercise of the powers conferred on it by sub-section (1) of section 9A of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) are hereby published for general information, the same having been approved by the Central Government as required by sub-section (2) of that section, namely:—

In the Articles of Association of the Agra Merchants' Chamber Limited, Agra,—

- (i) in Article (2), the word "Proxy" and the definition of the same shall be omitted.
- (ii) in Article (74), the words "The proxy shall not be counted in computing the quorum" shall be omitted.
- (iii) in Article (98), for the words "may be given either personally or by proxy" the words "shall be given personally" shall be substituted.
- (iv) Article (99), Article (100), Article (101), Article (102) and Article (104) shall be omitted.
- (v) in Article (103), the words "whether given personally or by proxy" shall be omitted.

[No. 33(6)-Com(Genl)(FMC)/63.]

ORDER**IMPORT TRADE CONTROL***New Delhi, the 15th June 1963*

S.O. 1675/IECA/3-4A/3/63.—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following Order further to amend the Imports (Control) Order, 1955, namely:—

Short title 1. This order may be called the Imports (Control) 8th Amendment Order, 1963.

Amendment of
clause 5(3)(ii) 2. In the Imports (Control) Order, 1955, in sub-clause (3) of clause 5, for item (ii), the following item shall be substituted, namely:—

"that the goods for the import of which a licence is granted shall be the property of the licensee at the time of import and thereafter upto the time of clearance through Customs."

[No. 9/63.]

M. L. GUPTA, Under Secy.

ORDERS

New Delhi, the 5th June 1963

S.O. 1676/IDRA/6/18.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 5(1) and 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri N. K. Bhojwani to be a member, till the 29th April, 1964, of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 1330 dated the 30th April, 1962, for the scheduled industries engaged in the manufacture or production of Leather and Leather Goods and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, for entry No. 30 relating to Shri H. D. Shourie, the following entry shall be substituted, namely:—

“30. Shri N. K. Bhojwani,” Executive Director, National Productivity Council.
38, Golf Links, New Delhi-3.

[No. 4(37)/L.Pr./61.]

New Delhi, the 17th June 1963

S.O. 1677/IDRA/6/6.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 2, 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, for a period of two years with effect from the date of this Order, the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture or production of electric fans, electric lamps, electronic equipment, house-hold appliances (such as electric irons, heaters and the like), storage batteries, dry batteries, telephones, telegraph equipment, wireless and communication apparatus, radio receivers including amplifiers and public address equipment, television sets, teleprinters, air conditioners and refrigerators, electricity meters and panel instruments, in place of members appointed under the Government of India Ministry of Commerce and Industry Order No. S.O. 1055, dated the 6th May, 1961, as amended from time to time, whose term of office has expired by efflux of time or otherwise:

DEVELOPMENT COUNCIL FOR LIGHT ELECTRICAL INDUSTRIES

1. Shri S. T. Thadani, Additional Director General of Supplies and Disposals, Directorate General of Supplies and Disposals, Parliament Street, New Delhi
Chairman.
2. Shri L. D. Char, M/s. Standard Batteries Ltd., Vakola, Santa Cruz, Bombay-55.
3. Shri A. N. Ahuja, Ahuja Radios, 3778, Netaji Subhash Marg, Delhi-6.
4. Shri Joseph Lopez, M/s. United Electrical Industries Ltd., Pallimukku, P.B. No. 87, Quilon (Kerala State).
5. Shri M. N. Shah, M/s. Kersons Mfg. Co. of India Ltd., Gopal Niwas, Lohar Chawl, Bombay.
6. Shri S. Dorresteyn, Electric Lamp Manufacturers (India) Private Ltd., (EIMI) 1, Taratolla Road, Garden Reach, Calcutta-24.
7. Shri B. N. Parkash, Radio & Electrical Mfg. Co. Ltd., Mysore Road, Bangalore.
8. Shri K. K. Rohatgi, M/s. Pradip Lamp Works, P.O. Begampur, Patna.
9. Shri R. L. Mulchandani, M/s. Mulchandani Electrical & Radio Industries Ltd., Sukh Sagar Sandhurst Bridge, Hughes Road, Bombay-7.
10. Shri M. M. Kaul, Development Manager, Matchwel Electricals (India) Ltd., P.B. 156, 4/11, Asaf Ali Road, New Delhi-1.
11. Shri D. M. Desai, Managing Director, M/s. Hindco Lighting Industries Ltd., 29, New Queen's Road, Bombay-4.
12. Shri A. B. Parekh, M/s. Voltas Ltd., 19, Graham Road, Ballard Estate, Bombay-1.
13. Shri S. V. Devarajan, 23, Bhagat Singh Market, New Delhi.
14. Shri S. S. Santhanam, Works Manager, M/s. Union Carbide India Ltd., IILCO House, 1 & 3, Brabourne Road, Calcutta-1.

15. Shri H. R. Vorstman, Technical Director, M/s. Phillips India Ltd., 7, Justice Chandra Madhab Road, Calcutta-20.
 16. Shri R. R. Juneja, M/s. Electrogears Pvt. Ltd., 27, Rowland Road, Calcutta.
 17. Shri B. V. Ballga, Managing Director, Bharat Electronics Ltd., P.O. Jalahalli, Bangalore.
 18. Shri A. C. Ramchandani, Chief Engineer, All India Radio, New Delhi.
 19. Shri Y. S. Venkateshwaran, Deputy Director, Indian Standards Institution, Manak Bhavan, 9, Mathura Road, New Delhi.
 20. Shri N. V. Shenoi, General Manager, Indian Telephone Industries Private Ltd., Durvaninagar, Bangalore.
 21. Shri G. D. Joglekar, Assistant Director, National Physical Laboratory, Hill Side Road, New Delhi-12.
 22. Shri T. N. Idnani, Member (Utilisation), Central Water and Power Commission, Bikaner House, New Delhi.
 23. Col. K. K. Mehta, Chief Inspector, Inspectorate of Electronic Equipment, P.O. Hebbal, Bangalore-8.
 24. Shri L. K. Dhavan, Joint Director, Railway Stores (Development), Railway Board, New Delhi.
 25. Shri C. Balasubrahmaniam, Deputy Secretary, Ministry of Commerce and Industry, New Delhi.
 26. Shri A. N. Mukherjee, Development Officer, Directorate of Technical Development, Ministry of Economic and Defence Co-ordination, Udyog Bhavan, New Delhi.
 27. Shri Jayant Gadkari, Advocate, Room No. 9, Building No. 2, Tilak Nagar (Vibhag No. 2), Behind Bharat Glass Works, Chembur, Bombay.
2. Shri A. N. Mukherjee, Development Officer, Ministry of Economic and Defence Co-ordination, New Delhi, is hereby appointed to carry on the functions of the Secretary to the said Development Council.

[No. 1(6) L. Pr/63.]

S. P. KRISHNAMURTHY, Under Secy.

(Office of the Deputy Chief Controller of Imports and Exports)
(Central Licensing Area)

NOTICE

New Delhi, the 13th May 1963

S.O. 1678.—It is hereby notified that in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1935, the Government of India, in the Ministry of Commerce and Industry propose to cancel the licence No. A664781/61, dated 26th March, 1962, valued at Rs. 19,700 for the import of Domestic Sewing Machine Parts granted by the Deputy Chief Controller of Imports and Exports (Central Licensing Area), New Delhi to M/s. Khosla Sewing Machine Co., Naya Ganj, Ghaziabad, unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports and Exports (Central Licensing Area), New Delhi within ten days of the date of issue of this Notice by the said M/s. Khosla Sewing Machine Co., Naya Ganj, Ghaziabad, or any Bank or any other party who may be interested in it.

2. The grounds of the proposed cancellation of the licence in question are that the licence No. A664781/61, dated 26th March, 1962, has been unauthorisedly removed from the office and that as per report from D.I. U.P. the said firm do not exist in Ghaziabad.

3. In view of what is stated above, M/s. Khosla Sewing Machine Co., Naya Ganj, Ghaziabad or any Bank or any other party who may be interested in the said licence No. A664781/61, dated 26th March, 1962, are hereby directed not to enter into any commitments against the said licence and return the same immediately to the Deputy Chief Controller of Imports and Exports (Central Licensing Area), New Delhi-I.

[No. DCCII(CLA)/153/62.]

ORDER

New Delhi, the 29th May 1963

S.O. 1679.—Whereas M/s. Jagana Watch Co., 35-36, Industrial Estate, Srinagar were issued Import Licences Nos. A571451|62|AU-NS|CCI|D, dated 2nd March, 1963, valued at Rs. 22,500 for Import of Tools and Accessories as per list attached, A571452|62|AU-NS|CCI|D, dated 2nd March, 1963, valued at Rs. 33,750 for Import of Raw Materials (1) Brass Sheets & Strips, (2) Special Steel in Sheets & Strips and (3) Special Oil etc. and A571453|62|AU-NS|CCI|D, dated 2nd March, valued at Rs. 1,57,500 for Import of Parts of Watches Assembled Movements and Unassembled Movements, from General Area, by the Deputy Chief Controller of Imports & Exports, Central Licensing Area, New Delhi, through inadvertance and mistake.

Whereas the Deputy Chief Controller of Imports & Exports issued Notice No. 3(2)|AM-64|Pol|CLA|187, dated 2nd May, 1963 to the licensee calling upon them to show cause against the Cancellation of the said licences under Clause 9 of the Imports (Control) Order, 1955.

Whereas M/s. Jagana Watch Co., Srinagar, Kashmir, have not furnished any sufficient ground or against the Notice of the Cancellation of the licences in question.

Now, therefore, in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, the Deputy Chief Controller of Imports & Exports, Central Licensing Area, New Delhi, hereby cancel the said licences Nos. A571451|62|AU-NS|CCI|D, A571452|62|AU-NS|CCI|D and A571453|62|AU-NS|CCI|D, dated 2nd March, 1963, issued to M/s. Jagana Watch Co., 35-36, Industrial Estate, Srinagar, Kashmir.

[No. 3(2)/AM-64/Pol/CLA.]

RAM MURTI SHARMA,

Dy. Chief Controller of Imports and Exports.

(Indian Standards Institution)

New Delhi, the 5th October 1962

S.O. 1680—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that eleven licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Sl. No.	Licence No. and date	Period of Validity		Name and Address of the Licensee	Article/Process covered by the Licence	Relevant Indian Standard
		From	To			
1	2	3	4	5	6	7
1.	CM/L-452 3-9-1962	15-9-62	14-9-63	M/s. Northern Minerals Private Ltd. Gurgaon (Punjab) having their Office at 138, Kamla Market, New Delhi.	BHC Dusting Powders.	IS: 561-1958 Specification for BHC Dusting Powders (Revised)
2	CM/L-453 3-9-1962	15-9-62	14-9-63	M/s. Industrial Supplies Corporation, Kurla Andheri Road, Sakinaka, Bombay-70.	Rubber Hot—Water Bottles	IS: 1867-1961 Specification for Rubber Hot-Water Bottles.
3	CM/L-454 3-9-1962	15-9-62	14-9-63	M/s. J. D. Jones & Co. (Private) Ltd. 8 Danesh Sheikh Lane, Shibpore, Howrah having their office at C/5, Gillander House 8 Netaji Subhas Road, Calcutta.	(i) Graphite for Paints (ii) Graphite for Use as Foundry Facing Material.	IS: 62-1950 Specification for Graphite for Paints. IS: 1305-1958 Specification for Graphite for use as Foundry Facing Material.
4	CM/L-455 14-9-1962	1-10-62	30-9-63	M/s. Associated Pigments Limited 260, Barrackpore Trunk Road, P.O. Suckchar, 24-Parganas, West Bengal, having their office at 14, Netaji Subhas Road, Calcutta-1.	Red Lead for Paints and Jointing Purposes, Types B and C.	IS: 57-1950 Specification for Red Lead for Paints and Jointing Purposes.

1	2	3	4	5	6	7
5	CM/L-456 14-9-1962	1-10-62	30-9-63	M/s. Grandlay Electricals (India) Military Parade Road, Radio Colony, Delhi having their office at 2656, Sadar Thana Road Delhi-6.	Rubber-Insulated Cables of following types: (i) VIR taped/untaped braided and compounded, 250 Volts Grade; (ii) VIR taped/untaped braided and compounded weather-proof 250 Volts Grade.	IS: 434-1953 Specification for Rubber Insulated Cables and Flexible Cords for Electric Power and Lighting (for Working Voltages Up to and Including 11kV) (Tentative).
6	CM/L-457 14-9-1962	1-10-62	30-9-63	The Sports Goods Training-Cum-Production Centre (Government of West Bengal) 45 B.T. Road, Baranagar, Calcutta-50.	Shuttlecocks	IS: 415-1953 Specification for Shuttlecocks (Tentative).
7	CM/L-458 25-9-1962	15-10-62	14-10-63	M/s. National Wire & Metal Industries 112, Sonawala Property Estate, Sonawala Road, Goregaon East, Bombay-62 having their office at 120, Kika Street, Bombay-4.	Bare Annealed High-Conductivity Copper Wire, Plain and Tinned.	IS: 396-1953 Specification for Bare Annealed High-Conductivity Copper Wire for Electrical Machinery and Apparatus (Tentative) and Clause 12.8 of IS: 434-1953 (for Tinning requirement Only).
8	CM/L-459 25-9-1962	15-10-62	14-10-63	M/s. Jyoti Wire Industries, 112, Sonawala Property Estate, Goregaon East, Bombay-62 having their office at 164, Kika Street, Bombay-4.	Bare Annealed High-Conductivity Copper Wire, Plain and Tinned.	IS: 396-1953 Specification for Bare Annealed High-Conductivity Copper Wire for Electrical Machinery and Apparatus (Tentative) and clause 12.8 of IS: 434-1953 (for Tinning Requirement Only).
9	CM/L-460 28-9-1962	15-10-62	14-10-63	M/s. Murlidhar Jhunjhunwala Private Ltd., Field No. 82/3(2) Sathankadu, Kaladipet, Madras-19.	BHC Dusting Powders.	IS: 561-1958 Specification for BHC Dusting Powders (Revised).

- to CM/L-461 28-9-1962 15-10-62 14-10-63 M/s. Murlidhar Jhunjhunwala Endrin Emulsifiable Concentra- IS: 1310-1958 Specification for
Private Ltd., tes. Endrin Emulsifiable Con-
Field No. 82/3(a) Sathankadu, centrates.
Kaladipet, Madras-19.
- 11 CM/L-462 28-9-1962 15-10-62 14-10-63 M/s. Hindustan Salts Ltd., Sam- Common Salt for Butter and IS: 1845-1961 Specification for
bhar Lake. Cheese Industry. Common Salt for Butter and
Cheese Industry.

[No. MD/12 : 566]

S.O. 1681—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that twenty-eight licences, particulars of which are given in the Schedule hereto annexed, have been renewed.

THE SCHEDULE

Serial No.	Licence No. and date	Period of Validity		Name and Address of the Licensee	Article(s) covered by the licence	Relevant Indian Standard (s)
		From	To			
1	2	3	4	5	6	7
1	CM/L-13 3-9-1956.	6-9-62	5-9-63	M/s. Lallubhai Amichand Private Ltd., 48/50 Kansara Chawl, Bombay-2.	Wrought Aluminium and Aluminium Alloy Utensils.	IS:21-1959 Specification for Wrought Aluminium and Aluminium Alloy for Utensils (<i>Second Revision</i>).
2	CM/L-14 3-9-1956.	10-9-62	9-9-63	The. Metal Rolling Works Pvt. Ltd., 104 Sion-Marunga Estate, Sion, Bombay-22.	Wrought Aluminium and Aluminium Alloy Utensils.	IS:21-1959 Specification for Wrought Aluminium and Aluminium Alloy for Utensils (<i>Second Revision</i>).
3	CM/L-17 25-9-1956.	27-9-62	26-9-65	M/s. Madura Metal Products Ltd 14-C, Bridge Station Road, Sellur, Tallakulam P.O., Madurai	Wrought Aluminium and Aluminium Alloy Utensils.	IS: 21-1959 Specification for Wrought Aluminium and Aluminium Alloy for Utensils (<i>Second Revision</i>).
4	CM/L-31 4-9-1957.	16-9-62	15-9-63	M/s. Tata-Fison Limited, Bombay House, Bruce Street, Bombay-1.	(i) BHC Dusting Powder (ii) BHC Water Dispersible Powder Concentrates.	(i) IS: 561-1958 Specification for BHC Dusting Powders (<i>Revised</i>). (ii) IS:562-1958 Specification for BHC Water Dispersible Powder Concentrates (<i>Revised</i>).
5	CM/L-96 18-9-1958	1-10-62	30-9-63	M/s. Travancore Titanium Products Limited, Kochu Veli, Trivandrum-7.	Titanium Dioxide for Paints Anatase (Type A)	IS: 411-1953 Specification for Titanium Dioxide for Paints.
6	CM/L-98 18-9-1958	1-10-62	30-9-67	M/s. Tata-Fison Limited, Paluruthy, Cochin-5.	BHC Dusting Powders.	IS: 561-1958 Specification for BHC Dusting Powders (<i>Revised</i>).
7	CM/L-99 18-9-1958	1-10-62	30-9-63	M/s. Tate-Fison Limited, Paluruthy, Cochin-5.	DDT Dusting Powders.	IS: 564-1961 Specification for DDT Dusting Powders (<i>Revised</i>).
8	CM/L-100 18-9-1958	1-10-62	30-9-63	The Central Trading Co., Private Ltd., 29 Dum Dum Road, Calcutta-28.	Tea-Chest Plywood Panels.	IS: 10-1953 Specification for Plywood Tea-Chests (<i>Revised</i>).

9	CM/L-101	18-9-1958	1-10-62	30-9-63	The Travancore Timbers and Products, Erayilkadavu, Kottayam, (Kerala State)	Tea-Chest Plywood Panels	IS: 10-1953 Specification for Plywood Tea-Chest (<i>Revised</i>)
10	CM/L-141	24-9-1959	1-10-62	30-9-63	M/s. Tata-Fison Limited, 20 Howrah Road, Salkia, Calcutta	DDT Dusting Powders	IS: 564-1961 Specification for DDT Dusting Powders (<i>Revised</i>)
11	CM/L-142	24-9-59	1-10-62	30-9-63	M/s. Tata-Fison Limited, 20 Howrah Road, Salkia, Calcutta.	BHC Dusting Powders	IS: 561-1958 Specification for BHC Dusting Powders (<i>Revised</i>).
12	CM/L-143	24-9-59	1-10-62	30-9-63	The Travancore Plywood Industries, Punalur, Kerala State.	Tea-Chest Plywood Panels	IS: 10-1953 Specification for Plywood Tea-chests (<i>Revised</i>).
13	CM/L-149	25-9-59	1-10-62	30-9-63	M/s. Enco Plywood and Sawmill Industries, Siliguri P.O., Siliguri, Distt. Darjeeling.	Tea-Chest Plywood Panels.	IS: 10-1953 Specification for Plywood Tea-Chests (<i>Revised</i>).
14	CM/L-193	30-5-60	20-9-62	19-9-63	M/s. Diamond Products Limited, 4, Clive Row, Calcutta-1	Bitumen Felts for Waterproofing and Damp-Proofing.— (i) Fibre Base Type-2 Grade—1. (ii) Hessian Base Type—3 Grade—1. (iii) Fibre Base Type—2 Grade—3. (iv) Hessian Base Type—3 Grade—2.	IS: 1322-1959 Specification for Bitumen Felts for Waterproofing and Damp-Proofing.
15	CM/L-218	31-8-60	15-9-62	14-9-63	M/s. Dalmia Cement (Bharat) Ltd., P.O. Dalmiapuram, Distt. Tiruchirapalli, Madras State.	Ordinary Portland Cement	IS: 269-1958 Specification for Ordinary, Rapid-Hardening and Low Heat Portland Cement (<i>Revised</i>).
16	CM/L-219	31-8-60	15-9-62	14-9-63	M/s. Motor Machinery Manufacturers Limited, 31, Chittaranjan Avenue, Calcutta.	Three-Phase Induction Motors, from 1 HP to 25 HP.	IS: 325-1959 Specification for Three-Phase Induction Motors (<i>Revised</i>).
17	CM/L-220	31-8-60	15-9-62	14-9-63	M/s. Warden & Co. Pvt. Ltd., 62, Dr. Anandrao Nair Rd., Byculia, Bombay-8	Waterproof Packing paper made from 60g and 70g Kraft Paper.	IS: 1398-1960 Specification for Packing Paper, Waterproof, Bitumen Laminated.
18	CM/L-224	16-9-60	1-10-62	30-9-63	M/s. Swaraj Plywood Works, Kottayam, Kerala State.	Tea-Chest Plywood Panels.	IS: 10-1953 Specification for Plywood Tea-Chests (<i>Revised</i>).
19	CM/L-225	16-9-60	1-10-62	30-9-63	M/s. Venneer Mills Pvt. Ltd., Tinsukia, Assam.	Tea-Chest Plywood Panels.	IS: 10-1953 Specification for Plywood Tea-Chests (<i>Revised</i>).
20	CM/L-228	16-9-60	1-10-62	30-9-63	M/s. Republic Engineering Corpn. Ltd., 7, Chowringhee Road, Calcutta-13.	Bicycle Bottom Bracket Adjustable Cups.	IS: 1132-1958 Specification for Bicycle Bottom Bracket Adjustable Cup.

1	2	3	4	5	6	7
21	CM/L-229 16-9-60.	1-10-62	30-9-63	M/s Republic Engineering Corporation Ltd., 7, Chowringhee Road, Calcutta—13.	Bicycle Bottom Bracket Locking Nuts.	IS : 1134-1958 Specification for Bicycle Bottom Locking Nuts.
22	CM/L-230 16-9-60.	1-10-62	30-9-63	M/s. Bengal Chemical & Pharmaceutical Works Ltd., 6, Ganesh Chunder Avenue, Calcutta.	Coal Tar Disinfectant Fluids.	IS : 1061-1957 Specification for Coal Tar Disinfectant Fluids, Black and White.
23	CM/L-335 24-8-61.	15-9-62	14-9-63	M/s. Alpha Electric & Engineering Co., 30 Calicut Street, Ballard Estate, Bombay—1.	Small AC & Universal Electric Motors with Class 'A' Insulation.	IS : 996-1959 Specification for Small AC and Universal Electric Motors with Class 'A' Insulation.
24	CM/L-337 1-9-61.	15-9-62	14-9-63	M/s. Nahan Foundry Limited, Nahan, Dist. Sirmur, (Himachal Pradesh).	Small AC & Universal Electric Motors with Class 'A' Insulation.	IS : 996-1959 Specification for Small AC and Universal Electric Motors with Class 'A' Insulation.
25	CM/L-338 1-9-61.	15-9-62	14-9-63	M/s. Indo-Asian Traders Pvt. Ltd., Nakodar Road, Jullundur.	Metal Clad Switches of 15, 30, and 60 ampere Capacities	IS : 1567-1960 Specification for Metal Clad Switches.
26	CM/L-339 1-9-61.	15-9-62	14-9-63	The Production Centre for Electric Motors, (Govt. of India Ministry of Commerce & Industry) Tiruvalla, Kerala State.	Three phase Induction Motors (Up to 5 HP only)	IS : 325-1959 Specification for Three-Phase Induction Motors (<i>Revised</i>).
27	CM/L-340 20-9-61.	1-10-62	30-9-63	M/s. Mysore Insecticides Company, 31-A, North Beach Road, Madras—1.	DDT Dusting Powders.	IS : 564-1961 Specification for DDT Dusting Powders (<i>Revised</i>).
28	CM/L-342 20-9-61.	1-10-62	30-9-63	M/s. All India Medical Corporation Mulji Jetha Bldg., 185, Princess Street, Bombay—2.	DDT Water Dispersible Powder Concentrates.	IS : 564-1955 Specification for DDT Water Dispersible Powder Concentrates.

[No. MD/12:77]

C. N. MODAWAL,
Head of the Certification Marks Division

(Indian Standards Institution)

New Delhi, the 25th February 1963.

S. O. 1682—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established during the period 1 February to 16 February 1963.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard.	Brief Particulars
1	2	3	4
1	IS : 121-1962 Specification for Ready Mixed Paint, Brushing, Finishing, Semi-Gloss, for General Purposes, to Indian Standard Colour No. 414, Golden Brown (<i>Revised</i>).	IS : 121-1950 Specification for Ready Mixed Paint, Brushing, Finishing, Oil Gloss for General Purposes to Indian Standard Colour No. 414, Golden Brown.	This standard prescribes the requirements and the methods of test for the material commercially known as ready mixed paint, brushing, finishing, semi-gloss, for general purposes, to Indian Standard Colour No. 414, Golden Brown. The material is used for the protection and decoration of wood and steel and is normally applied as a painting system over suitable priming paints. (Price Rs. 1.50).
2	IS : 319-1962 Specification for Free Cutting Brass Rods and Sections (<i>Revised</i>).	IS : 319-1951 Specification for Free Cutting Rods and Bars for use in Screw Machines (<i>Tentative</i>).	This standard covers the requirements for lead bearing brass rods and sections having a minimum cross-sectional dimension not less than 2.0 mm, suitable for high speed screw cutting and turning work. (Price Rs. 2.50).
3	IS : 657-1962 Specification for Use in the Manufacture of Magnesium Oxychloride Flooring Compositions (<i>Revised</i>).	IS : 657-1956 Specification for Use in the Manufacture of Magnesium Oxychloride Flooring Compositions (<i>Tentative</i>).	This standard covers the requirements for the following materials used in the manufacture of magnesium oxychloride flooring compositions : (a) Calcined magnesite, (b) Fillers and aggregates, (c) Pigments and, (d) Magnesium chloride. (Price Rs. 4.50).

1	2	3	4
4	IS : 1231-1962 Dimensions of Three-Phase Foot-Mounted Induction Motors (<i>Revised</i>).	IS : 1231-1958 Dimensions of Three-Phase Induction Motors.	This standard prescribes the dimensions for foot-mounted three-phase 50 cycles AC squirrel cage motors of axle heights ranging from 100 mm to 280 mm, intended for general purpose applications and having screen-protected and/or drip-proof or totally enclosed construction. This standard also specifies the standard nominal output for different frame sizes on the basis of Class 'A' and Class 'E' insulation (<i>see</i> IS : 1271-1958 Classification of Insulating Materials for Electrical Machinery and Apparatus in Relation to Their Thermal Stability in Service), and continuous rating [in accordance with IS : 325-1961 Specification for Three-Phase Induction Motors (<i>Second Revision</i>)] (Price Rs. 2.50).
5	IS : 2051-1962 Methods for Sampling of Leather Footwear.	..	This standard prescribes the methods of sampling and the criteria for conformity for leather footwear. (Price Rs. 1.50).
6	IS : 2121-1962 Specification for Fittings for Aluminium and Steel Cored Aluminium Conductors for Overhead power Lines.	..	This specification covers the following types of conductor fittings employed on overhead power lines using AGSR and all aluminium conductors : (a) Tension joints, (b) Non-tension joints (for example, parallel groove clamps), (c) Mechanical protective fittings, and (d) Aluminium binding wire and tape (Price Rs. 2.50).
7	IS : 2142-1962 Specification for Bromine, Technical	..	This standard prescribes the requirements and the methods of test for bromine, technical. (Price Rs. 2.00).
8	IS : 2147-1962 Degrees of Protection Provided by Enclosures for Low-Voltage Switchgear and Control gear.	..	This specification covers the classification, marking and testing of standard means of protection applicable to low-voltage switchgear and controlgear against : (a) Personnel contact with live or moving parts inside the enclosures and ingress of solid foreign bodies (b) ingress of liquids, and (c) mechanical damage (under consideration). (Price Rs. 3.50).

9	IS : 2168-1962 Specification for Pomfret Canned in Oil.	..	This standard prescribes the requirements and the methods of test for the white, silver and black varieties of pomfret canned in oil. (Price Rs. 5.00).
10	IS : 2207-1962 Specification for Handloom Printed Silk Series.	..	This standard prescribes constructional details and other particulars of seven varieties of handloom printed silk series. (Price Rs. 1.50).
11	IS : 2208-1962 Specification for HRC Cartridge Fuse-Links Up to 650 V.	..	This standard relates to high rupturing capacity cartridge fuse-links for use in circuits of voltage ratings up to 650 volts, intended for categories of duty specified in 4-7 and rated currents both AC at 50 c/s and DC as specified in 4-2-2 (Price Rs. 7.00).
12	IS : 2211-1962 Specification for Anhydrous Sodium Thiosulphate, Photographic Grade.	..	This standard prescribes the requirements and the methods of sampling and test for anhydrous sodium thiosulphate, photographic grade. (Price Rs. 2.00).
13	IS : 2214-1962 Specification for Silver Nitrate, Technical and Analytical Reagent.	..	This standard prescribes the requirements and the methods of sampling and test for Silver Nitrate, technical and analytical reagent. (Price Rs. 2.00).
14	IS : 2222-1962 Specification for Burnt-Clay Perforated Building Bricks.	..	This standard specifies dimensions, quality and strength, and methods of sampling and tests for vertically perforated burnt-clay building bricks for use in walls and partitions. (Price Rs. 2.00).
15	IS : 2226-1962 Specification for Mould-board Plough, Fixed Type.	..	This standard prescribes the requirements and the methods of test for animal-drawn right-or left-hand mouldboard plough of the fixed type with short or long beams, generally used for tilling the land. (Price Rs. 2.50).
16	IS : 2233-1962 Specification for Straightedges for Drawing Office Use.	..	This standard covers the requirements of straightedges in five sizes of 2,000, 1,500, 1,000, 750 and 500 mm (Price Rs. 1.00).
17	IS : 2238-1962 Specification for Transplanting Spade and Seprang.	..	This standard covers the requirements for flat transplanting spade and solid seprang used in plantations. (Price Rs. 2.00).
18	IS : 2241-1962 Specification for Round Leather Belting for Small Machines.	..	This specification covers the requirements for round leather belting of the 'smooth type', for small drives. (Price Rs. 1.50).

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution, 'Manak Bhavan', 9 Mathura Road, New Delhi—1, and also at its Branch Offices (i) 232 Dr. Dadabhai Naoroji Road, Fort, Bombay—1, (ii) Third Floor, 11 Sooterkin Street, Calcutta—13, (iii) 2/21 First Line Beach, Madras—1, (iv) 14/49 Civil Lines, Kanpur.

Sd/-

D.V. KARMARKAR,
Deputy Director (Marks).

(Indian Standards Institution)

New Delhi, the 10th June 1963

S.O. 1683.—In pursuance of sub-regulation (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that the Indian Standards particulars of which are given in the Schedule hereto annexed, have been established during the period 15 May to 9 June, 1963.

THE SCHEDULE

Sl. No.	No and Title of the Indian Standard established	No. and title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
1	2	3	4
1	IS : 118-1962 Specification for Ready Mixed Paint, Brushing, Finishing, Semi-Gloss, for General Purposes, to Indian Standard Colours.	IS : 118-1950 Specification for Ready Mixed Paint, Brushing, Finishing, Oil Gloss for General Purposes to Indian Standard Colours.	This standard prescribes the requirements and the methods of test for the material commercially known as ready mixed paint, brushing, finishing, semi-gloss, for general purposes, with the distinctive colours as specified in the title. The material is used for the protection and decoration of wood and steel and is normally applied as a painting system over suitable priming paints. (Price Rs. 1.50).
	No. 355 Lemon	No. 355 Lemon.	
	No. 356 Golden Yellow	No. 356 Golden Yellow.	
	No. 368 Traffic Yellow	No. 368 Traffic Yellow.	
	No. 557 Light Orange	No. 557 Light Orange.	
	No. 591 Deep Orange (<i>Revised</i>)		
2	IS : 251-1952 Specification for Soda Ash, Technical (<i>Revised</i>).	IS : 251-1950 Specification for Soda Ash, Technical (<i>Tentative</i>).	This standard prescribes the requirements and the methods of test for Soda ash, technical. The material is used in many industries, such as caustic soda, bicromates, glass, silicate, rubber, paper, printing ink, boiler compounds, ceramics, paints, textile, dyes and leather besides being used for washing and cleaning (Price Rs. 2.50).
3	IS : 299-1962 Specification for Alumino-Ferric (<i>Revised</i>).	IS : 299-1951 Specification for Alumino-Ferric.	This standard prescribes the requirements and methods of sampling and test for alumino-ferric. (Price Rs. 2.50).
4	IS : 580-1962 Specification for Harness Leather (<i>Revised</i>).	IS : 580-1954 Specification for Harness Leather.	This standard prescribes the requirements and methods of test for harness leather in natural and dyed condition used not only for making harness and saddlery but also for almost all purposes where a strong and pliable leather is required (Price Rs. 1.50).

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| 5 | IS : 636-1962 Specification for Fire Fighting Hose (Rubber Lined Woven-Jacketed) (<i>Revised</i>). | IS : 636-1958 Specification for Rubber Lined Woven Jacketed Hose for Use in General Fighting Service. | This standard prescribes the requirements and the methods of test for 50-mm, 63-mm, and 70-mm size fire fighting hose (rubber lined woven-jacketed). (Price Rs. 2.50). |
| 6 | IS : 655-1963 Specification for Metal Air Ducts (<i>Revised</i>). | IS : 655-1955 Specification for Metal Air Ducts. | This standard covers the materials and constructional requirements of metal air ducts used in air-conditioning and ventilation systems. (Price Rs. 1.50). |
| 7 | IS : 1479 (Part IV)—1962 Methods of Test for Dairy Industry Part IV Freezing-Point Depression of Milk by Hortvet Method. | .. | This standard (Part IV) specifies the apparatus (Hortvet-cryoscope) and the method for the determination of the freezing-point depression of milk by the Hortvet method and recommends a procedure for the expression of the results in terms of added water. (Price Rs. 4.00). |
| 8 | IS : 1621-1963 Methods of Sampling of Industrial Water for Physical and Chemical Tests. | .. | This standard prescribes the methods of sampling of industrial water for physical and chemical tests (Price Rs. 2.00). |
| 9 | IS : 1884 (Part II)—1963 Specification for Automobile Electric Horns Part II Wind Tone Type. | ... | This standard covers the basic mechanical, electrical and acoustical requirements and methods of tests for 6-, 12-, and 24-volt single and dual wind tone type of electrical horns for use with automobiles. It also lays down their overall and fixing dimensions. (Price Rs. 2.00). |
| 10 | IS : 2106 (Part III)—1963 Environmental Tests for Electronic Equipment Part III Cold Test. | .. | This part of the standard specified the details of the procedures for application of cold test as part of the environmental testing of electronic equipment and other equipment employing similar techniques.

This part is to be read in conjunction with Part I of the standard (Price Re. 1.00). |
| | IS : 2106 (Part IV)—1963 Environmental Tests for Electronic Equipment Part IV Dry Heat Test. | .. | This part of the standard gives details of the procedures for application of dry heat test as part of the environmental testing of electronic equipment and other equipment employing similar techniques.

This part is to be read in conjunction with Part I of this standard. (Price Re. 1.00). |

I	2	3	4
11	IS : 2132-1963 Code of Practice for Thin-Walled Tube Sampling of Soils.		This standard covers the method of sampling of soils to secure relatively undisturbed samples suitable for laboratory tests (Price Rs. 2.00).
12	IS : 2210-1962 Criteria for the Design of Reinforced Concrete Shell Structures and Folded Plates.		This standard lays down recommendations for the classification, dimensional proportioning analysis and design of reinforced concrete thin shells and folded plates. (Price Rs. 6.00).
13	IS : 2263-1962 Methods of Preparation of Indicator Solutions for Volumetric Analysis.		This standard lays down the methods for preparing indicator solutions commonly used in volumetric analysis. (Price Rs. 3.50).
14	IS : 2274-1963 Code of Practice for Electrical Wiring—Installations (System Voltage Exceeding 650 Volts).		This standard covers the essential requirements and precautions regarding wiring installations in industrial locations for ensuring satisfactory results including safety from fire and shock. It relates to all wiring installations in industrial locations, whether the electric supply is derived from an external source or from a private generating plant. This Code is intended to be applicable to installations in which the declared voltage between conductors normally exceeds 650 volts. (Price Rs. 6.50).
15	IS : 2280-1963 Specification for Nylon Doria.		This standard prescribes constructional details and other particulars of finished and unfinished nylon doria produced with two different loom-settings. (Price Rs. 3.00).
16	IS : 2282-1963 Specification for Nylon Crepe.		This specification prescribes constructional details and other particulars of finished and unfinished nylon crepe produced with 2 different loom settings. (Price Rs. 4.50).
17	IS : 2297-1963 Specification for Gear Lubricants, Compound-ed.		This standard prescribes the requirements and methods of test for compounded gear lubricants of the following viscosity grades* : (a) Grade 80 (b) Grade 90 (c) Grade 140 (d) Grade 250. These lubricants are primarily intended for use in the enclosed and semi-enclosed gears where tooth pressure and rubbing velocities are so high that gear lubricant, regular is not suitable. These grades are equivalent to the corresponding SAE grades. (Price Rs. 2.00).

1	2	3	4
18	IS : 2301-1963 Specification for Metallic Silicon.		This standard covers requirements for four grades of metallic silicon commonly used in the metals industry. (Price Re. 1.00).
19	IS : 2305-1962 Method for Mercurous Nitrate Test for Copper and Copper Alloys.		This standard prescribes the method for conducting mercurous nitrate test of wrought copper and Copper base alloy products. It is an accelerated test for the purpose of detecting the presence of residual (internal) stresses that might bring about failure of the material in service or storage through stress corrosion cracking. (Price Re. 1.00).
20	IS : 2306-1963 Dimensions for Gauge Limits for ISO Metric Screw Threads (1.6 to 39 mm)		This standard specifies dimensions for gauge limits for gauging ISO metric screw threads in the diameter range 1.6 to 39 mm. These gauge limits are valid only for the normal (8dN and 8H/N) and coarse (9dN and 9H/N) classes of tolerances covered in IS : 1362-1962 Dimensions for Screw Threads for General purposes (<i>Revised</i>) (Price Rs. 5.00).
21	IS : 2307-1962 Specification for Magnesium Powder for Explosives and Pyrotechnic Compositions.		This standard prescribes the requirements and the methods of sampling and test for magnesium powder for use in explosives and pyrotechnic compositions. (Price Rs. 4.50).
22	IS : 2309-1963 Code of Practice for the Protection of buildings and Allied Structures Against Lightning.		This code covers the design, installation, testing and maintenance of lightning protective systems for buildings and allied structures such as chimneys trees and fences. (Price Rs. 6.00).
23	IS : 2311-1963 Specification for Fat Extraction Apparatus for Milk and Milk Products.		This standard specifies commonly used fat extraction apparatus suitable for extraction of fat from milk and milk products (Price Rs. 2.00).
24	IS 2312-1963 Specification for Propeller Type AC Ventilating Fans.		This standard covers AC Single or three phase propeller type ventilating fans such as exhaust fans, wall fans, window fans, gable-end fans, port-hole fans, bulk-head fans, kitchen fans and dark room fans for use at voltages not exceeding 250 V single phase or 440 V. 3 phase, and their associated speed regulators, if any. (Price Rs. 4.00).

(1)	(2)	(3)	(4)
25	IS : 2313-1963 Specification for Phosphor Copper Ingot.	..	This standard covers the requirements of phosphor copper ingots in two grades, namely Grade 1 and Grade 2. (Price Rs. 1.50).
26	IS : 2316-1963 Methods of Preparation of Standard Solutions for Calorimetric and Volumetric Analysis.	..	This standard lays down the methods of preparation of standard solutions for the common calorimetric and volumetric determinations. Solutions for calorimetric determinations are given in Part I, and solutions for volumetric determinations are given in Part II. (Price Rs. 2.00).
27	IS : 2317-1963 Method for Gravimetric Determination of Sulphates.	..	This standard prescribes the method for the gravimetric determination of sulphates as barium sulphate. (Price Re. 1.00).
28	IS : 2319-1963 Specification for Serge.	..	This standard prescribes constructional details and other particulars of two varieties of serge. (Price Rs. 2.50).
29	IS : 2329-1963 Method for Bend Test on Steel Tubes.	..	This standard prescribes the method of conducting bend test on steel tubes in full section, having an external diameter not greater than 60 mm. (Price Re. 1.00).
30	IS : 2330-1963 Method for Flanging Test on Steel Tubes.	..	This standard prescribes the method of conducting flanging test on steel tubes having an external diameter not greater than 150 mm and a thickness not greater than 9 mm (Price Re. 1.00).
31	IS : 2335-1963 Method for Drift Expanding Test on Steel Tubes.	..	This standard prescribes the method of conducting the drift expanding test on steel tubes of circular cross section, having an external diameter not greater than 150 mm and a thickness not greater than 9 mm. (Price Re. 1.00).
32	IS : 2343-1963 Specification for Can Washing Trough.	..	This standard prescribes the important constructional details and dimensional requirements for a can washing trough which can handle milk cans conforming to IS : 1825-1961 Specification for Aluminium Milk Cans or to IS : 1373-1962 Specification for Tinned Milk Steel Milk Cans (Revised), one at a time. (Price Rs. 2.00).
33	IS : 2345-1963 Specification for Dried Prawn Pulp.	..	This standard prescribes the requirements and the methods of test for dried prawn pulp. (Price Rs. 2.50).

(1)	(2)	(3)	(4)
34	IS : 2247-1962 Specification for Dye, Ink Blue, for Ink Industry	..	This standard prescribes the requirements and the methods of test for dye, ink blue, for use in the manufacture of writing inks. (Price Rs. 3.00).

¶ ¶ Copies of these Indian Standards are available, for sale, with the Indian Standards Institution, Manak Bhavan, 9, Mathura Road, New Delhi-1, and also at its branch offices at (i) 232, Dr. Dadabhoi Naoroji Road, Fort, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, (iii) 2/21, First Line Beach, Madras-1, (iv) 14/69, Civil Lines, Kanpur.

[MD/13 : 2.]

New Delhi, the 12th June 1963

S.O. 1684.—In partial modification of the rate of marking fee for Coal Tar Disinfectant Fluids, Black and White, notified in the Schedule annexed to the Ministry of Commerce and Industry (Indian Standards Institution) Notification No. S.O. 2532, dated the 23rd Sep. 1960, published in the Gazette of India, Part II, Section 3, Sub-Section (ii), dated the 8th Oct. 1960, the Indian Standards Institution hereby notifies that the marking fee per unit for Coal Tar Disinfectant Fluids, Black and White, details of which are given in the Schedule hereto annexed, has been revised. The revised rate of marking fee shall come into force with immediate effect.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
1.	Coal Tar Disinfectant Fluids, Black and White	IS : 1061-1957 Specification for Coal Tar Disinfectant Fluids, Black and White.	1,000 Litres	Rs. 3.30 per unit with a minimum of Rs. 1875.00 for production during a calendar year.

[No. MD/18 : 2.]

New Delhi, the 14th June 1963

S.O. 1685.—In pursuance of sub-regulation (1) of regulation 5 of the Indian Standards Institution (Certification Marks) Regulations 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed has been cancelled.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard cancelled	No. and Date of Gazette Notification in which Establishment of the Indian Standard was notified
1.	IS:223—1950 Specification for Tensile Testing of Metals (Ferrous).	S.R.O. 658, dated 21 March 1955 published in the Gazette of India, Part II—Section 3, dated 28 March 1955.

[No. MD/13:7.]

S. K. SEN,

Head of the Certification Marks Division.

ERRATA

(1) In the Ministry of Commerce and Industry (Indian Standards Institution) Notification published under S.O. 652, dated 4 March 1963 in the Gazette of India, Part II, Section 3, Sub-Section (ii), dated 16 March 1963, in Col. 2, line 1 of the Schedule, for 'IS:277-1954' read 'IS:227-1954'.

(2) In the Ministry of Commerce and Industry (Indian Standards Institution) Notification published under S.O. 692 dated 28 February 1963 in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated 23 March 1963, against Sl. No. 3, Col. 3, line 1, for 'IS:151-1950' read 'IS:150-1950'.

(3) In the Ministry of Commerce and Industry (Indian Standards Institution) Notification published under S.O. 1147, dated 10 April 1963 in the Gazette of India, Part II, Section 3, Sub-Section (ii), dated 20 April 1963, against Sl. No. 11, Col. 4, line 1 for 'from' read 'down'.

(4) In the Ministry of Commerce and Industry (Indian Standards Institution) Notification published under S.O. 900, dated 20 March 1963, in the Gazette of India, Part II, Section 3, Sub-Section (ii), dated 2 March 1963, against Sl. No. 10, Col. 4, line 3, for 'IS:534-1955' read 'IS:554-1955'.

(5) In the Ministry of Commerce and Industry (Indian Standards Institution), Notification, published under S.O. 900, dated 20 March 1963, in the Gazette of India, Part II, Section 3, Sub-Section (ii), dated 30 March 1963, the following corrections may be made:

Sl. No. 8, Col. 6, line 1 for '1 Aptil 1963' read '1 April 1963'.

Sl. No. 9, Col. 6, line 2 for '19' read '1963'.

Sl. No. 10, Col. 6, line 2 for '19' read '1963'.

MINISTRY OF MINES & FUEL

New Delhi, the 10th June 1963

S.O. 1686.—The Central Government hereby rescinds item 3(b) of the Erratum S.O. 846 dated the 7th March, 1963 published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 23rd March, 1963, relating to the insertion of plot No. "559(P)" in the Schedule to the notification of the Government of India in the Ministry of Mines and Fuel S.O. 3855, dated the 18th December, 1962.

[No. C2-22(15)/59.]

ERRATA

S.O. 1687.—In the notification of the Government of India in the Ministry of Mines and Fuel No. S.O. 3855, dated the 18th December, 1962, published in Part II, Section 3, Sub-section (ii) of the Gazette of India Extraordinary, dated the 18th December, 1963, at page 2346, in the twenty-ninth line, before "560(P)" insert "559(P)".

[No. C2-22(15)/59.]

S.O. 1688.—In the notification of the Government of India in the Ministry of Mines and Fuel No. 1132, dated the 9th April, 1963 published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 20th April, 1963 at pages 1300 and 1301,

1. At page 1300, (i) In the twenty-third line For "Koillaton" Read "Korllaton"
(ii) In the twenty-fifth line For "Debka" Read "Dobka";

2. At page 1301,

(i) In the fourth line For "Bhalwadthane" Read "Bhalwadhana";

(ii) In the fifth line For "Khudradna" Read "Khudradnana";

(iii) In the second line For "Chindwara" Read "Chhindwara";

(iv) In the nineteenth line For "Kothera" Read "Kotkhera".

[No. C2-20(31)/62.]

N. LAKSHMAN RAU, Dy. Secy.

New Delhi, the 12th June 1963

S.O. 1689.—In exercise of the powers conferred by sub-section (3) of section 1 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares that the said Act shall apply to the States of Assam, Kerala, Madhya Pradesh, Maharashtra, Mysore and Rajasthan with effect from the 12th June, 1963.

[No. 31/6/63-ONG.]

New Delhi, the 14th June 1963

S.O. 1690.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from the Cambay Gas field in Gujarat State to the Dhuwaran Power Station in Gujarat State, pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the competent authority at Nawab Manzil, Raopura, Baroda, in the office of the Oil and Natural Gas Commission. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State	District	Tehsil				
Gujarat	Kaira	Cambay				
Village	Survey No.	Acre	Guntha	Sq. Yds.	Sq. F.	
Lunaj	272	0	4	41	5	
Sokhda	203	0	18	62	0	
Do.	204	0	3	97	0	
Do.	182/2	0	3	97	0	
Do.	181/1	0	1	39	0	
Do.	181/2	0	18	102	0	
Do.	179	0	19	67	6	
Do.	178	0	17	69	6	
Do.	171/1	0	11	115	6	
Do.	170/2	0	0	36	1	
Do.	171/3	0	9	77	6	
Do.	172	0	8	65	3	
Do.	177/1	0	0	3	3	
Neza	87	0	9	64	3	
Do.	75	0	31	115	6	
Do.	76	0	0	15	8	
Do.	74	0	12	0	0	
Do.	25	0	29	21	2	
Do.	24	0	0	83	1	
Do.	26	0	28	0		
Do.	18	0	1			
Do.	27	0	14	5		
Do.	16	0	24			
Do.	14	0	12	1		
Do.	5	0	7	1		

SCHEDULE-8*

State	District	Tehsil			
Gujarat	Kaira	Cambay			
Village	Survey No.	Acre	Guntha	Sq. Yds.	Sq. Ft.
Neza—contd.	328	0	21	112	3
Do.	327/1	0	15	91	6
Do.	325	0	10	110	0
Do.	326	0	12	74	6
Cambay	484	0	5	11	0
Do.	478	0	3	3	0
Do.	487	0	20	14	4
Do.	483	0	15	3	3
Do.	477	0	29	60	4
Do.	406/1	0	17	115	4
Do.	396	0	6	35	2
Do.	395	0	1	8	5
Do.	394	0	7	32	2
Do.	391	0	12	41	3
Do.	348	0	1	79	0
Do.	390	0	11	89	0
Do.	380	0	20	0	0
Do.	381	0	4	9	3
Do.	379	0	15	48	3
Do.	377	0	17	23	0
Do.	375	0	12	48	0
Do.	376	0	6	64	0
Do.	355	0	18	62	0
Do.	356	0	0	18	3
Do.	370	0	18	22	0
Do.	366/1	0	24	69	3
Do.	366/2	0	7	19	6
Do.	271/1	0	0	66	4
Do.	287	0	29	77	6
Kansari	230	0	15	98	3
Do.	228	0	3	116	0
Do.	237	0	1	79	0
Do.	233	0	15	85	0
Do.	67/2	0	27	73	0
Do.	67/4	0	3	30	2
Do.	57	0	22	84	6
Do.	56	0	28	38	6
Do.	54	0	8	5	3
Do.	53/1	0	4	109	3
Do.	53/2	0	11	0	0
Sakarapur	567	0	14	86	0
Do.	566	0	3	57	0
Do.	564	0	29	31	0
Do.	563	0	14	72	6
Do.	548	0	16	64	0
Do.	540	0	7	39	6
Do.	547	0	7	19	2
Do.	546	0	15	118	3

SCHEDULE—8*

State	District	Tehsil			
Gujarat	Kaira	Cambay			
Village	Survey No.	Acre	Guntha	Sq. Yds.	Sq. Ft.
<i>Sakarpur—contd.</i>	541/1	0	8	98	6
Do.	541/2	0	6	14	0
Do.	460	0	0	33	3
Do.	455	0	10	63	3
Do.	453	0	22	27	0
Do.	454	0	17	43	0
Do.	414	0	32	10	2
Do.	415	0	17	103	0
Do.	436	0	0	43	2
Do.	434	0	20	86	6
Do.	432	0	20	86	6
<i>Nana Kalodra</i>	233	0	4	109	3
Do.	240	0	21	33	0
Do.	12	0	23	77	0
Do.	14/1	0	24	62	6
Do.	14/2	0	18	68	6
<i>Vasna</i>	299	0	13	90	3
Do.	300	0	18	21	3
Do.	301	0	10	10	0
Do.	302	0	11	146	0
Do.	285	0	29	44	3
Do.	306	0	33	90	3
Do.	263	0	18	34	5
Do.	262	0	1	105	6
Do.	261	0	0	113	3
Do.	264	0	10	33	3
Do.	255	0	31	102	3
Do.	233	0	17	96	3
Do.	234	0	8	1	3
Do.	243	0	5	1	6
Do.	240	0	3	90	3
Do.	242	0	26	9	5
Do.	241	0	9	37	6
Do.	164	0	22	18	0
Do.	172	0	11	102	3
Do.	100	0	5	115	0
Do.	98	0	16	90	0
Do.	99	1	3	117	0
Do.	59	0	27	71	6
Do.	361	0	29	131	0
Do.	61	0	19	47	3
Do.	62	0	3	30	3
<i>Ralaj</i>	675	0	1	105	6
Do.	657	0	25	61	6
Do.	658	0	4	6	6
Do.	655	0	2	0	0
Do.	653	0	2	58	0
Do.	654	0	16	50	6
Do.	647	0	5	70	5
Do.	646	0	10	76	6
Do.	642	0	1	45	6
Do.	637	0	19	81	4
Do.	635	0	3	97	0
Do.	636	0	10	16	6

SCHEDULE—8

Village	State Gujarat	District Kaira	Tehsil Cambay	Acre	Guntha	Sq. Yds.	Sq. Ft.
Ralaj	.	.	.	0	1	15	1
Do.	.	.	.	0	4	26	0
Do.	.	.	.	0	13	25	7
Do.	.	.	.	0	9	50	8
Do.	.	.	.	0	5	17	2
Do.	.	.	.	0	3	41	0
Do.	.	.	.	0	0	31	1
Do.	.	.	.	0	12	89	6
Do.	.	.	.	0	13	40	3
Do.	.	.	.	0	3	33	6
Do.	.	.	.	0	0	11	1
Do.	.	.	.	0	16	104	0
Do.	.	.	.	0	2	98	0
Do.	.	.	.	0	5	59	4
Do.	.	.	.	0	12	41	3
Do.	.	.	.	0	8	38	6
Do.	.	.	.	0	10	0	3
Do.	.	.	.	0	2	104	6
Do.	.	.	.	0	2	4	7
Do.	.	.	.	0	19	21	0
Do.	.	.	.	0	2	91	3
Do.	.	.	.	0	4	82	6
Do.	.	.	.	0	14	46	0
Do.	.	.	.	0	7	106	3
Do.	.	.	.	0	2	104	6
Do.	.	.	.	0	4	52	0
Do.	.	.	.	0	5	61	6
Do.	.	.	.	0	5	8	3
Do.	.	.	.	0	11	42	3
Do.	.	.	.	0	8	112	0
Do.	.	.	.	0	4	49	3
Do.	.	.	.	0	15	115	3
Do.	.	.	.	0	6	114	0
Do.	.	.	.	0	0	16	3
Do.	.	.	.	0	18	105	3
Do.	.	.	.	0	4	52	7
Do.	.	.	.	0	16	21	7
Kalamsar	.	.	.	0	13	72	5
Do.	.	.	.	0	1	35	0
Do.	.	.	.	0	36	51	5
Do.	.	.	.	0	11	92	8
Do.	.	.	.	0	1	96	2
Do.	.	.	.	0	0	36	4
Do.	.	.	.	1	1	45	6
Do.	.	.	.	0	36	13	1
Do.	.	.	.	0	1	46	5
Do.	.	.	.	0	24	51	5
Do.	.	.	.	0	6	35	6
Do.	.	.	.	0	18	35	3
Do.	.	.	.	0	14	19	3
Do.	.	.	.	0	16	97	3
Do.	.	.	.	0	14	99	3
Do.	.	.	.	0	13	73	6
Do.	.	.	.	0	16	64	0
Do.	.	.	.	0	16	30	6
Do.	.	.	.	0	7	8	5
Do.	.	.	.	0	18	102	0

SCHEDULE—8

State Gujarat		District Kaira	Tehsil Cambay			
Village	Survey No.	Acre	Guntha	Sq. Yds.	Sq. Ft.	
Kalamsar . . .	921	0	9	117	6	
Do.	922	0	6	7	3	
Do.	925	0	13	33	6	
Do.	926	0	25	15	0	
Do.	937	0	10	34	6	
Do.	939	0	23	97	0	
Do.	941	0	15	104	7	
Do.	942	0	3	39	5	
Do.	1007	0	16	64	0	
Do.	1009/2	0	16	24	0	
Do.	1009/3	0	19	114	0	
Do.	1164	0	25	55	0	
Do.	1163	0	18	108	6	
Do.	1137	0	25	55	0	
Do.	1138	0	21	62	6	
Do.	1139	0	16	57	3	
Do.	1140	0	19	61	0	
Do.	1148	0	8	32	0	
Do.	1149	0	10	43	7	
Do.	1150	0	12	90	2	
Do.	1145	0	1	10	6	
Do.	1152	0	15	65	0	
Do.	1155	0	20	42	2	
Do.	1158	0	3	74	7	
Do.	1160	0	17	53	6	
Do.	1161	0	31	40	1	
Do.	1162	0	13	63	6	
Haripura . . .	501	0	3	15	8	
Do.	2/4 502	0	13	61	1	
Dhuwaran . . .	2/3 208	0	1	8	1	
Do.	209	0	14	23	4	
Do.	210	0	3	13	5	
Do.	610	0	7	75	5	
Do.	611	0	8	70	1	
Do.	612	0	10	63	3	
Do.	244	0	23	25	8	
Do.	245	0	16	84	0	
Do.	253/3	0	16	34	0	

[No. 31/38/63-ONG.]

S.O. 1691.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from the Barauni Refinery in Bihar State to the Haldia Port in Calcutta in West Bengal State, pipelines should be laid by the Indian Refineries Limited and that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the competent authority at 9, Syed Amir Ali Avenue, Calcutta-17, in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State West Bengal Dist. Burdwan			Thana.....Kulti		
Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Kalikapur, J.L. 47	45	16	Chalbalpur, J.L. 19	1762	02
	46	24		1763	14
	52	19		1764	16
	54	43		1766	02
	55	18		1788	05
	56	39		1789	04
	187	49		1796	01
	188	15		1797	08
	1614	02		1798	11
	1621	14		1799	18
Chalbalpur, J.L. 19	1622	08	Bhanra, J.L. 46	1803	09
	1623	09		1804	07
	1624	10		1806	02
	1625	04		250	24
	1631	005		251	07
	1632	10		252	38
	1633	02		253	14
	1634	01		254	10
	1636	08		255	02
	1637	02		259	01
	1638	03		264	06
	1639	04		265	08
	1640	07		266	02
	1641	05		267	16
	1645	08		281	02
	1648	20		282	04
	1649	06		283	01
	1702	05		286	08
	1703	04		287	01
	1706	01		288	06
	1707	03		294	04
	1708	08		295	10
	1709	02		297	05
	1710	14		300	03
	1711	10		301	08
	1713	09		302	04
	1714	19		303	09
	1740	04		305	04
	1743	08		306	02
	1744	09		323	12
	1745	08		324	12
	1751	07		329	13
	1752	08		332	05
	1756	08		333	22
	1760	09		391	02
	1761	09			

SCHEDULE

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Bhanra, J.L. 46	392	·13	Bhanra, J.L. 46	560	·005
	400	·005		564	·02
	401	·04		575	·03
	468	·54		576	·06
	470	·03		577	·20
	471	·52		578	·07
	526	·06		579	·09
	540	·20		580	·08
	541	·07		581	·01
	543	·02		582	·14
	544	·01		583	·06
	545	·08		585	·01
	546	·06		656	·04
	547	·30		657	·15
	548	·005		662	·67
	559	·14		663	·01

[No. 31/33/63-ONG(I).]

S.O. 1692.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from the Barauni Refinery in Bihar State to the Haldia Port in Calcutta in West Bengal State, pipelines should be laid by the Indian Refineries Limited and that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed hereto.

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this Notification, object to the laying of the pipelines under the land to the competent authority at 9, Syed Amir Ali Avenue, Calcutta 17, in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Rangameta, J.L. 43	189	·20	Rangameta, J.L. 43	226	·01
	190	·67		228	·11
	196	·13		229	·11
	197	·12		232	·02
	198	·01		233	·20
	199	·005		236	·12
	222	·06		238	·10
	223	·02		239	·03
	224	·04		240	·07
	225	·03		291	·09

SCHEDULE

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
	298	·07		234	·07
	300	·04		235	·30
	301	·06		236	·14
	303	·01		237	·10
	305	·01		247	·50
	306	·01		249	·21
	307	·04		250	·13
	308	·08		276	·26
	309	·02		277	·02
	310	·01		458	·01
Benagorya, J.L. 42	172	·03		459	·03
	195	·90		470	·33
	197	·29		471	·03
	199	·21		472	·06
	200	·10		473	·01
				480	·24
Rupnarayanpur, J.L. 41	325	·21		481	·01
	326	·12		483	·02
	327	·12		484	·05
	351	·45		485	·27
	352	1·45		486	·03
	359	·01		488	·02
	361	·22		489	·03
	383	·04		596	·08
Dhaminbarya, J.L. 38	82	·25		597	·01
	85	·06		598	·02
	88	·32		599	·03
	89	·01		600	·05
	90	·08		601	·08
	92	·80		602	·12
	93	·08		603	·10
	94	·14		626	·16
	142	·20		629	·06
	152	·36		677	·04
	154	·32		678	·42
	158	·40		679	·08
	171	·09		680	·04
	173	·16		681	·07
	179	·07		682	·01
	180	·03		684	·09
	181	·03		685	·46
	182	·04		686	·06
	190	·06		692	·04
	192	·08	Basudebpur, J. L. 36	819	·02
	193	·02		820	·10
	194	·02		823	·10
	233	·03		824	·06
	234	·02		826	·07
	236	·06		842	·10
	237	·14		843	·12
	239	·22		845	·05
	314	·01		1015	·14
	315	·05		1049	·03
	328	·01		1060	·07
	332	·01	Banbirdi, J. L. 35	1061	·10
Jemari, J.L. 37	140	·04		1062	·15
	143	·36		5	·33
Basudebpur, J.L. 36	15	·17		166	·01
	16	·02		167	·02
	233	·02		168	·08
				169	·10
				170	·11
				171	·09
				211	·05

SCHEDULE

Village	Survey (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
	213	·05		2060	·32
	214	·05		2062	·02
	216	·06		2063	·08
	217	·50			
	236	·05	Khudka, J. L. 28	104	·06
	562	·09		105	·05
	564	·06		106	·06
				110	·06
				111	·04
				112	·02
				113	·10
				293	·04
				294	·04
				295	·09
				311	·04
				312	·05
				313	·02
				315	·03
				316	·04
				317	·07
				318	·02
				323	·01
				324	·06
				325	·01
				1498	·04
				1499	·02
				1501	·02
				1506	·07
				1507	·09
				1508	·10
				1511	·08
				1513	·08
				1514	·12
				1521	·12
				1523	·22
				1553	·10
				1554	·05
				1560	·04
				1565	·02
				1566	·32
				1567	·005
				1568	·04
				1569	·11
				1570	·01
				1575	·08
				1576	·10
				1577	·20
				1607	·12
				1608	·07
				1609	·02
				1611	·14
				1663	·04
				1664	·01
				1665	·005
				1666	·005
				1667	·01
				1668	·02
				1669	·10
				1670	·04
				1671	·03
				1673	·08
				1675	·18
				1685	·18
Salanpur, J. L. 27	1260	·60			
	1341	·04			
	1342	·26			
	1343	·03			
	1345	·12			
	1346	·01			
	1439	·01			
	1440	·22			
	1442	·07			
	1478	·04			
	7479	·02			
	1484	·05			
	1485	·07			
	1490	·42			
	1536	·25			
	1541	·11			
	1542	·08			
	1573	·01			
	1574	·16			
	1575	·16			
	1576	·27			
	1620	·10			
	1635	·04			
	1636	·15			
	1637	·02			
	1638	·01			
	1640	·13			
	1660	·03			
	1661	·15			
	1662	·07			
	1663	·10			
	1665	·15			
	1666	·06			
	1667	·02			
	1669	·01			
	1670	·01			
	1671	·05			
	1672	·02			
	1673	·01			
	1691	·01			
	1949	·01			
	1952	·08			
	1953	·02			
	1954	·15			
	1967	·02			
	1968	·01			
	1970	·13			
	1971	·02			
	1989	·69			
	1991	·20			
	1993	·08			
	1994	·01			
	2057	·22			

SCHEDULE

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Khudka, J. L. 28— <i>Contd.</i>	1736	·01	Khudka, J.L. 28— <i>Concl.</i>	2297	·06
	1738	·09		2298	·02
	1739	·05		2301	·03
	1740	·02		2302	·01
	1741	·13		2303	·06
	1742	·01		2304	·06
	1745	·01		2305	·14
	1765	·04		2306	·01
	1766	·23		2401	·22
	1767	·04		2412	·01
	1768	·03		2413	·02
	1769	·02		2414	·19
	1784	·05		2425	·17
	1785	·06		2426	·06
	1788	·18		2427	·01
	1789	·005		2641	·01
	1790	·06		2645	·05
	1804	·12	Maliakola, J.L. 29	585	·01
	1805	·02		586	·03
	1806	·08		587	·18
	1807	·05		588	·19
	1811	·03		590	·02
	1812	·04		591	·01
	1817	·04		592	·005
	1818	·11		600	·68
	1819	·04		602	·01
	1820	·04		680	·005
	1821	·02		681	·24
	1822	·005		682	·10
	1828	·02		683	·08
	2269	·23		711	·04
	2282	·02		712	·18
	2285	·12		713	·13
	2286	·17		731	·07
	2287	·05		732	·05
	2292	·08		736	·02
	2293	·07		737	·06
	2296	·06			

[No. 31/33/63-ONG(II).]

S.O. 1693.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from the Barauni Refinery in Bihar State to the Haldia Port in Calcutta in West Bengal State, pipelines should be laid by the Indian Refineries Limited and that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the competent authority at 9, Syed Amir Ali Avenue, Calcutta-17, in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State : West Bengal			Distr. : Burdwan		Tehsil/Thana : Asansol	
Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)	
Sudi—J.L. No. 45	552	·66	Raghunath Bati J.L. No. 46— <i>Contd.</i>			
	560	·15		71	·07	
	561	·08		73	·005	
	562	·16		74	·11	
	563	·15		75	·07	
	565	·04		76	·11	
	566	·07		187	·11	
	570	·05		189	·11	
	571	·09		198	·11	
	576	·46		199	·06	
	580	·25		202	·06	
	584	·10		203	·05	
	587	·01		204	·03	
	588	·01		217	·01	
	589	·08		220	·005	
	590	·09		866	·24	
	591	·04		869	·005	
	622	·09		870	·03	
	623	·005		871	·01	
	1064	·10		872	·17	
	1099	·05		873	·07	
	1104	·01		884	·02	
	1105	·11		885	·16	
	1106	·05		902	·04	
	1107	·04		908	·06	
	1108	·05		909	·08	
	1109	·005		911	·17	
	1110	·005		912	·04	
	1118	·005		913	·03	
	1119	·03		914	·02	
	1120	·01		915	·02	
	1121	·01		916	·05	
	1122	·04		926	·02	
	1123	·04		927	·10	
	1124	·03		928	·09	
	1125	·02		932	·11	
	1126	·005		1006	·06	
	1128	·005		1007	·08	
	1129	·07				
	1130	·005		Ramjibanpur J.L. No. 47	62	·02
	1131	·005			63	·04
	1132	·10			65	·09
	1133	·005			67	·04
	1216	·02			70	·03
	1217	·10			74	·05
	1228	·15			75	·14
	1229	·07			80	·12
	1234	·04			84	·17
	1236	·01			89	·15
	1238	·09			90	·12
	1239	·22			91	·005
	1253	·17			92	·03
	1275	·36			96	·02
	1277	·03			97	·01
					285	·14
					287	·06
					289	·07
					290	·09
					385	·15
		395	·05			
		399	·12			
Raghunath Bati J.L. No. 46	59	·10				
	60	·02				
	61	·05				
	62	·04				
	69	·02				
	70	·03				

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Ramjibanpur-J.L. No. 47- <i>contd.</i>	400	·06	Ganuri—J.L.3.— <i>contd.</i>	1593	·06
	401	·01		1595	·23
	408	·09		1596	·13
	409	·01		1597	·06
	412	·005		1598	·005
	413	·02		1632	·01
	414	·04		1633	·51
	416	·06		1634	·34
	417	·05		1635	·44
	418	·02		1638	·07
	462	·22		1645	·32
	465	·15		1699	·42
	466	·01		1706	·12
	489	·60		1707	·04
	491	·26		1732	·31
	492	·85		1733	·06
	495	·12			
	496	·08	Gobindapur, J.L. No.7.	237	·03
	497	·16		238	·14
	498	·09		239	·28
Ganrul—J.L.No.3.	375	·13		247	·02
	376	·13		248	·32
	377	·40		250	·13
	380	·05		259	·30
	381	·02		260	·005
	382	·05		261	·10
	383	·03		263	·12
	1371	·005		264	·01
	1372	·11		265	·12
	1375	·33		294	·10
	1377	·14		295	·11
	1378	·01		297	·14
	1380	·51		298	·12
	1381	·03		299	·08
	1384	·76		300	·06
	1395	·005		301	·09
	1396	·09		302	·07
	1401	·26		303	·005
	1402	·005		304	·09
	1403	·03		305	·05
	1404	·04		306	·12
	1407	·05		310	·01
	1408	·22		332	·04
	1409	·04		333	·45
	1410	·05		334	·01
	1411	·05		336	·20
	1412	·05		337	·07
	1413	·02		338	·12
	1415	·06		341	·03
	1416	·06		447	·08
	1417	·03		449	·20
	1418	·005		450	·14
	1461	·13		451	·47
	1462	·26		1025	·44
	1463	·01		1028	·04
	1464	·03		1030	·12
	1465	·06		1031	·05
	1466	·05		1032	·17
	1488	·25		1033	·18
	1489	·02		1034	·11
	1490	·31		1036	·07
	1496	·10		1053	·12
	1587	·02		1054	·12
	1592	·20		1055	·07
				1056	·21

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Gobindapur J.L. 7— <i>contd.</i>	1057	·45	Dakshin Dhadka, J.L. 15	230	·005
	1103	·13		252	·05
	336/A	·005		253	·10
Sitala, J.L. 8	96	·005		254	·01
	381	·17		256	·01
	382	·12		257	·06
	383	·15		260	·01
	384	·01		261	·15
	386	·14		262	·01
	387	·20		263	·005
	388	·14		264	·005
	635	·10		268	·14
	637	·43		269	·01
	638	·13		310	·03
	645	·05		311	·03
	646	·30		315	·15
	706	·11		316	·005
	708	·03		317	·18
	709	·12		318	·11
	710	·02		321	·06
	711	·01		322	·07
	712	·02		323	·08
	713	·14		355	·34
	737	·005		384	·27
	738	·01		471	·15
	739	·34		473	·05
	740	·005		474	·19
	745	·005		476	·19
	746	·01		484	·11
	747	·005		485	·01
	751	·48		487	·01
	764	·07		488	·04
	765	·03		489	·06
	772	·06		490	·05
	773	·15		491	·04
	774	·11		492	·09
	775	·005		493	·11
	777	·06		526	·04
	778	·10		527	·01
	779	·06		528	·005
	784	·01		529	·06
	808	·005		530	·005
	819	·15		531	·005
	821	·11		532	·01
	822	·16		533	·01
	826	·005		534	·01
	827	·05		535	·12
	828	·24		587	·005
	834	·005		588	·005
	835	·06		589	·005
	836	·05		590	·005
	838	·33		591	·005
	839	·13		592	·01
	856	·01		593	·01
	857	·13		594	·02
	858	·07		601	·04
	859	·11		602	·02
	860	·06		603	·05
	868	·18		604	·05
	871	·09		605	·02
	882	·10		614	·03
	883	·21		615	·09
	884	·39		617	·01
	885	·05		618	·07
	886	·24		619	·05
	1357	·13		620	·04
				623	·03

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Dakshin Dhadka, J.L. 15— <i>Contd.</i>	624	·03	Sat Pukhuria, J.L. 17— <i>Contd.</i>	662	·05
	625	·03		667	·28
	626	·02		704	·10
	627	·01			
	628	·27	Nischinta, J.L. No. 20	33	·02
	660	·08		34	·03
	662	·46		35	·02
	663	·06		36	·02
	664	·05			
	692	·22		57	·005
Kalla, J.L. No. 16	107	·72		58	·10
	583	·005		59	·06
	584	·26		60	·005
	670	·04		62	·005
	672	·10		63	·09
	674	·21		64	·09
	675	·30		67	·03
	677	·04		68	·24
	679	·23		84	·36
	682	·005		109	·005
	683	·16		110	·05
	684	·19		111	·05
	688	·09		112	·02
	689	·01		113	·24
	690	·18		114	·06
	691	·22		180	·09
	705	·20		181	·13
	706	·18		186	·20
	707	·10		187	·04
	709	·42		188	·02
	715	·31		189	·02
	716	·03		191	·03
	718	·05		193	·05
	719	·15		212	·09
	724	·16		213	·13
	1588	·07		214	·02
				215	·06
				216	·02
				219	·05
				220	·04
				221	·02
				222	·02
				260	·13
				273	·13
				274	·10
				275	·05
				353	·65
				389	·10
				391	·05
				392	·07
				398	·08
				399	·17
				400	·06
				401	·005
				1271	·005
				1273	·005
				1274	·005
				1275	·04
				1276	·02
				1412	·03
				1413	·02
				1415	·005
				1433	·17
				1434	·33
				1438	·05
				1439	·02
Sat Pukhuria, J.L. No. 17	290	·34			
	296	·40			
	303	·33			
	334	·21			
	335	·04			
	336	·005			
	337	·26			
	338	·09			
	339	·14			
	340	·10			
	341	·15			
	344	·18			
	345	·08			
	346	·28			
	388	·30			
	389	·24			
	390	·04			
	391	·005			
	402	·95			
	465	·39			
	482	·33			
	483	·04			
	485	·005			
	486	·04			
	487	·05			
	490	·09			
	491	·04			
	661	·005			

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Nischinta, J.L. 20—Contd.			Nischinta J.L. 20—Contd.		
	1440	·005		2398	·12
	1441	·01		2791	·01
	1443	·03		2798	·05
	1444	·03		2800	·24
	1445	·05		2801	·11
	1446	·09		2802	·03
	1447	·03		2803	·06
	1448	·03		2805	·05
	1449	·03		2806	·06
	1450	·01		2807	·05
	1452	·01		2808	·005
	1457	·01		2812	·005
	1466	·36		2819	·03
	1467	·07		2823	·11
	1470	·16		2826	·08
	1471	·09		2827	·13
	1506	·18		2830	·07
	1507	·11		2831	·08
	1508	·04		2832	·10
	1509	·05		2834	·05
	1510	·04		2835	·05
	1511	·01		2838	·01
	1715	·04		2847	·005
	1717	·17		2848	·13
	1718	·06		2849	·11
	1726	·07		2850	·13
	1727	·20		2851	·12
	1728	·05		2876	·11
	1736	·01		2877	·005
	1737	·19		2968	·08
	1767	·04		2969	·05
	1771	·005		2983	·03
	1772	·04		2984	·05
	1773	·07		2985	·05
	1774	·11		2986	·05
	1775	·05		2987	·05
	1776	·04		2988	·05
	1777	·06		2993	·005
	1779	·11		2994	·02
	1780	·14		2995	·10
	1781	·19		2996	·05
	1799	·01		2997	·005
	1801	·15		2998	·01
	1803	·02		2999	·03
	1804	·03		3005	·04
	1807	·15		3006	·02
	1808	·30		3007	·01
	1809	·005		3067	·05
	2363	·05		3068	·04
	2364	·27		3069	·09
	2365	·11		3070	·10
	2389	·05		3072	·05
	2390	·05		3402	·11
	2391	·07		3403	·03
	2394	·17		3404	·02
	2397	·02		3432	·28

MINISTRY OF FOOD AND AGRICULTURE**(Department of Food)***New Delhi, the 17th June, 1963*

S.O. 1694.—In exercise of the powers conferred by section 42 of the Warehousing Corporations Act, 1962 (58 of 1962), the Central Warehousing Corporation, with the previous sanction of the Central Government, hereby makes the following regulations to amend the Central Warehousing Corporation Employees' Provident Fund Regulations, 1962, namely:—

1. These regulations may be called "The Central Warehousing Corporation Employees' Provident Fund (Amendment) Regulations, 1963".

2. In the Central Warehousing Corporation Employees' Provident Fund Regulations, 1962,—

(i) for regulation 4, the following regulation shall be substituted, namely:—

"4. Administration of Fund Accounts and Audit:

(i) The Fund shall vest in and be administered by a Committee of Trustees comprising of the Managing Director, Financial Adviser and the Secretary together with two representatives of the employees to be nominated by the Managing Director and, the Trust so created shall not be revocable save with the consent of all the beneficiaries.

(ii) The Fund shall consist of contributions of the employer and the employees and of donations, if any, received by the Committee, of accumulation thereof and of interest credited in respect of such contributions, donations and accumulations and, of securities purchased therewith and of any capital gains arising from the sale, exchange, or transfer of capital assets of the Fund.

(iii) All moneys belonging to the Fund shall be wholly invested either in securities of the nature specified in clauses (a), (b), (c), (d) or (e) of section 20 of the Indian Trusts Act, 1882 (2 of 1882), or in a Post Office Savings Bank Account in India:

Provided that nothing in this sub-clause shall affect the validity up to the time of maturity of any fixed deposit made with a scheduled bank before publication of these regulations.

(iv) The accounts of the Fund shall be audited by the same authority which audits the accounts of the Corporation."

(ii) for regulation 6, the following regulation shall be substituted, namely:—

"6. Appointment of Secretary and Statement of Accounts:

(i) The Managing Director shall appoint a member of the Committee to be the Secretary of the Committee, who shall discharge such duties as the Committee may assign to him from time to time.

(ii) The Accounts of the Fund shall be made up yearly as on the 31st March and an audited statement of the accounts shall be submitted to a meeting of the Committee to be held not later than the 31st August in every year and a copy of such statement shall be made available to the subscribers as soon as may be after such meeting."

(iii) for regulations 12 and 13, the following regulations shall be substituted, namely:—

"12. Borrowing from the Fund and Recoveries:

(1) At the discretion of the Committee an advance, not exceeding in any case the total of the accumulation of the *exempted portion* of the subscriber's own contributions and *exempted* interest thereon contained in the balance to his credit, may be granted to a subscriber on application, out of the amount standing to his credit in the Fund subject to the following conditions:

(a) No advance shall be granted unless the Committee is satisfied that the applicant's pecuniary circumstances justify it and an undertaking is given that it will be expended on the following object or objects and not otherwise;

- (i) to pay expenses incurred in connection with the illness of the subscriber or a member of his family;
- (ii) to pay for the passage over sea of a subscriber or any member of his family;
- (iii) to pay expenses incurred in connection with marriages, funerals or ceremonies, which by the religion of the subscriber it is obligatory upon him to perform;
- (iv) to meet the cost of legal proceedings instituted by an employee for vindicating his position in regard to any allegation made against him in respect of any act done or purporting to be done by him in the discharge of his official duties:

Provided that no advance shall be admissible to an employee who institutes any legal proceedings in any court of law against the Corporation in respect of any condition of service or penalty imposed on him by the Corporation.

(b) Subject to the foregoing provisions, an advance shall not—

- (i) exceed six months' pay of the employee for advances made for the purpose of marriage;
- (ii) exceed three months' pay of the employee or Rs. 500 whichever is more in the case of advances made under sub-clause (1)(a)(iv) of this regulation;
- (iii) in any other case, exceed half the amount of the exempted portion of the subscriber's subscriptions to the Fund plus the exempted interest thereon standing to his credit, provided that, for special reasons to be recorded in writing by the Committee, an advance may exceed this amount subject to the maximum limit of three months' pay of the employee;
- (c) No advance shall be granted unless,
 - (i) previous advance, if any, is fully repaid with interest thereon, and
 - (ii) at least twelve months have elapsed after the final repayment of the said previous advance together with interest thereon, provided that the Committee may, for reasons to be recorded in writing waive the stipulation contained in (ii).
- (d) Notwithstanding the provisions of sub-clauses (i) and (ii) of clause (f) of regulation 3 for the purpose of sub-clause (a) of clause (i) of this regulation, 'family' means any of the following persons who are wholly dependent on the employee, namely: (a) the employee's wife or the husband provided she/he is not disqualified as per the provision contained in sub-clause (i) of clause (f) of regulation 3, (b) legitimate children, (c) step-children, (d) parents, (e) sisters, and (f) minor brothers.

(2) (a) An advance shall be recoverable from the subscriber in such number of equal monthly instalments as the Committee may direct, but such number, except where the subscriber otherwise elects shall, in no case be less than 12, and

- (i) not more than 48 in case where the advance is taken for the purpose of marriage;
- (ii) not more than 24 in any other case.

Explanation.—A subscriber may, at his option, repay in advance more than one instalment in one month. Each instalment shall be in whole rupees, the amount of the advance being reduced, if necessary, to admit the fixation of such instalments.

(b) The Corporation shall deduct the instalments aforesaid from the employee's salary, and pay them to the Committee. These deductions shall commence from the second monthly payment of salary made after the withdrawal, and in the case of an employee on leave without pay, from the second monthly payment of salary made after his return to duty.

(c) After full payment of the principal of the advance, interest thereon at the rate of four per cent of the amount withdrawn shall be recovered in the manner specified in column 2 of the table below.

TABLE

Recovery of principal	Recovery of interest
(1)	(2)
In not more than 12 monthly instalments	One additional instalment.
In more than 12 monthly instalments but not more than 24 monthly instalments	Two additional instalments.
In more than 24 monthly instalments but not more than 36 monthly instalments.	Three additional instalments.
In more than 36 monthly instalments but not more than 48 monthly instalments	Four additional instalments.

(d) Recoveries as and when they are made under this regulation shall be credited to the account in the Fund of the subscriber concerned.

13. Advances for payment of premia for Insurance Policies:

A non-refundable withdrawal not exceeding the employee's pay for six months or the amount of his own subscriptions plus the interest thereon standing to his credit, whichever is less, shall be permitted at a time for being paid as premia of policies of insurance on the life of subscriber or his wife/her husband:

Provided that, the said policies are assigned in favour of, and deposited within six months with the Committee and the premia receipts are from time to time handed over to the Committee for inspection by the Income-tax Officer:

Provided further that the number of policies in respect of which the facility of such withdrawal is allowed shall not exceed four at a time and the premia shall not be payable otherwise than annually.

NOTE.—The amount withdrawn shall be paid in whole rupees, amounts less than a rupee being ignored.

(iv) in regulation 15,

(a) in sub-clause (1), for the words and figures "sub-clauses 2, 3 and 4" the words and figures "sub-clauses 2 and 3" shall be substituted;

(b) sub-clause (2) shall be omitted;

(c) sub-clauses (3) and (4) shall respectively be renumbered as sub-clauses (2) and (3) thereof and after those sub-clauses as so renumbered, the following sub-clause shall be inserted, namely:—

"(4) The Employer's share or part thereof which is deducted under sub-clause (2) above, may be utilised by the Committee for the benefit of the subscribers in proportion to the amounts standing to their credit, in such manner as the Committee deems fit."

(v) after regulation 21, the following regulation shall be inserted, namely:—

"22. Modification of the regulations:

The Corporation may, subject to the provisions of section 42 of the Act, add to, amend, vary or rescind any provision of these regulations."

[No. F. 35/82/59-SG.II.]

A. K. RAY, Dy. Secy.

(Department of Agriculture)

New Delhi, the 17th June, 1963

S.O. 1695.—In exercise of the powers conferred by the proviso to article 309 of the constitution, the President hereby makes the following rules further to amend the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) Rules, 1959, published with the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. S.O. 358, dated the 4th February, 1959, namely :—

1. These rules may be called the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) Third Amendment Rules, 1963.

In the Schedule to the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) Rules, 1959 under Class III Non-gazetted posts, after item 28 and the entries relating thereto, the following items and entries shall be inserted, namely :—

I	2	3	4	5	6	7	8	9	10	11	12	13
"29 Re- search In- vestigator (Planning)	One	General Central Service Class III Non-Gazetted/ Non-Mi- nisterial.	Rs. 320— 15—470— EB—15— 530	Not appli- cable	Between 20—25 years	1. A Second class Ma- ste's degree in Agri- culture or Economics with statistics 2. Thorough knowledge of various agricultural development projects in progress in the States. 3. Experience in the scrutiny of progress reports and expendi- ture statements of the State Plan Scheme. 4. Knowledge of budget work, appropriation and re-appropriation.	Yes	Two years	By transfer failing wh- ich by di- rect recruit- ment	By transfer of suitable and qualified persons holding equivalent posts under the Cen- tral Government	Not appli- cable	Not required under the rules.

[No. 3-9/63—E.IV]

B. R. KAPOOR, Udder Secretary.

New Delhi, the 12th June 1963

S.O. 1696.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules, the same having been previously published as required by the said section, namely:—

1. These rules may be called the Eggs Grading and Marking (Amendment) Rules, 1963.

2. In rule 4 of the Eggs Grading and Marking Rules, 1937 (hereinafter referred to as the said rules), for the expression " $\frac{1}{2}$ inch diameter" the expression "13 mm. ($\frac{1}{2}$ inch) diameter" shall be substituted.

3. In Schedule 1 to the said rules,—

- (i) in column 2, for the entries "56·699, 49·612, 42·524 and 28·350" the entries "55, 50, 40 and 30" shall respectively be substituted;
- (ii) in column 3, for the expression "three eighths of an inch" the expression "10 mm. (three eighths of an inch)" shall be substituted;
- (iii) in column 4, for the entries "70·874, 56·699, 49·612 and 42·524" the entries "70, 55, 50 and 40" shall respectively be substituted;
- (iv) in the foot note for the expression "1·722 grams" the expression "2 grams" shall be substituted.

[No. F. 17-7/63-AM.]

V. S. NIGAM, Under Secy.

(Department of Agriculture)

New Delhi, the 15th June 1963

S.O. 1697.—In exercise of the powers conferred by section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules to amend the Animal Welfare Board (Administration) Rules, 1962, the same having been previously published as required by the said section, namely:—

ANIMAL WELFARE BOARD (ADMINISTRATION) AMENDMENT RULES, 1963.

1. *Short title.*—These rules may be called the Animal Welfare Board (Administration) Amendment Rules, 1963.

2. In the Animal Welfare Board (Administration) Rules, 1962—

(i) after rule 3, the following rule shall be inserted, namely:—

"3A. *Vice-Chairman.*—(1) The Central Government shall, after consultation with the Board, nominate one of its members to be the Vice-Chairman of the Board."

(2) The Vice-Chairman shall exercise such powers and perform such functions as the Chairman may, with the previous approval of the Central Government, delegate to him from time to time."

(ii) in rule 13, for sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) If the Chairman is not present at any meeting of the Board, the Vice-Chairman shall be the Chairman of the meeting. In the absence of the Chairman and the Vice-Chairman from any meeting of the Board, the members shall choose one among themselves to be the Chairman of the meeting."

(iii) for rule 15, the following rule shall be substituted, namely:—

"15. *Power of the Board to appoint Executive Committee and to coopt persons therein.*—(1) For the administration of its affairs and for carrying out its functions, the Board may by resolution appoint an Executive Committee consisting of such number of members as it may think fit to appoint thereto, and may by regulations made in this behalf define their functions and duties.

- (2) The Board may coopt a person representing the Ministry of Finance to the Government of India, as a member of the Executive Committee and such person shall be entitled to attend the meeting of the Committee and to take part in its discussions, but shall not have the right to vote.”;
- (iv) for rule 16, the following rule shall be substituted, namely:—
- “16. *Powers of the Board to appoint other committees and sub-committees and to coopt persons therein.*—(1) In addition to the Executive Committee referred to in rule 15, the Board may by resolution constitute such other committee or committees from amongst its members for the administration of its affairs and for carrying out its functions.
- (2) The Board may coopt such persons to the committees or sub-committees appointed under sub-rule (1) as it considers necessary and suitable, and may permit them to attend the meetings of such committees or sub-committees.
- (3) A persons coopted under sub-rule (2) for any purpose shall have the right to take part in the discussions relevant to that purpose, but shall not have the right to vote;”
- (v) in sub-rule (1) of rule 18, after the words “delegate to him”, the word “all” shall be inserted;
- (vi) for rule 24, the following rule shall be substituted, namely:—
- “24. *Accounts and Audit.*—(1) The Board shall maintain proper accounts and other relevant records.;
- (2) The accounts of the Board shall be audited annually by the Comptroller and Auditor General of India or by any person appointed by him in this behalf and any expenditure incurred by him in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General of India.
- (3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of accounts of the Board shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Board.
- (4) The accounts of the Board, as certified by the Comptroller and Auditor-General of India or any person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government and the Government shall cause the same to be laid before each House of Parliament.
- (5) The accounts of receipts shall include a statement of all sums received by the Board during the financial year which shall be shown under the following heads:—
- (a) money received from the Central and State Governments;
- (b) other moneys received by the Board;
- (c) interest received from the investment of such moneys as aforesaid.
- (6) Total receipts shall be shown under each of the heads specified under sub-rule (5) and the opening balance shall also be stated.
- (7) The expenditure incurred during the financial year shall be shown under the following heads:—
- (a) administration of the Board;
- (b) measures taken in connection with the functions of the Board specified in section 9, each item being shown separately;
- (c) miscellaneous;

(8) The closing balance for the financial year shall be shown at the foot of the accounts on the expenditure side.”;

(vii) in the Schedule, in the entry in column 4 relating to item 13, the words “in each case” occurring at the end shall be omitted.

[No. 9-29/62-LD.]

K. C. SARKAR, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 14th June 1963

S.O. 1698.—In exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consultation with the Medical Council of India, hereby directs that the Medical qualification “Doctor of Medicine” granted by the University of Wuerzburg, Germany shall be a recognised medical qualification for the purposes of this Act.

[No. F. 16-46/62-MI (MPT).]

S.O. 1699.—In exercise of the powers conferred by sub-section (i) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consultation with the Medical Council of India, hereby directs that the Medical qualification “Doctor of Medicine” granted by the Yale University School of Medicine, Connecticut, United States of America, shall be a recognised medical qualification for the purposes of this Act.

[No. F. 16-52/62-MI (MPT).]

New Delhi, the 17th June 1963

S.O. 1700.—In exercise of the powers conferred by sub-section (4) of section 13 of the Indian Medical Council Act, 1956 (102 of 1956) and after consultation with the Medical Council of India, the Central Government hereby makes the following further amendments in Part II of the Third Schedule to the said Act, namely:—

In the said Part of the Third Schedule,

(i) after the entry “M. D. (Wuerzburg)”, the following entry shall be inserted, namely:—

“M. D. (Saabrucken)”,

(ii) the brackets and the words “Specialist for Women’s diseases and Obstetrics” appearing after the entry “M. D. (Bonn)” shall be omitted.

[No. F. 17-10/62-MI (MPT).]

ORDERS

New Delhi, the 14th June 1963

S.O. 1701.—Whereas the Government of India in the Ministry of Health has, by notification No. 16-46/62-MI dated the 14th June, 1963, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification “Doctor of Medicine” granted by the University of Wurzburg, Germany for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby specifies the period of two years with effect from the date of this Order or so long as Dr. H. Kronschnabl, who possesses the said qualification, continues to work in the St. Luke’s Hospital, Shri Rampur, Ahmednagar, to which he is attached for the time being for the purposes of teaching, research or charitable work, which ever is shorter, as the period to which the medical practice of the said Dr. H. Kronschnabl shall be limited.

[No. F. 16. 46/62-MI (MPT).]

S.O. 1702.—Whereas the Government of India in the Ministry of Health has, by notification No. 16-52/62-MI dated the 14th June, 1963, made in exercise of the powers conferred by sub-section (i) of section 14 of the Indian Medical Council

Act, 1956 (102 of 1956), recognised the medical qualification "Doctor of Medicine" granted by the Yale University School of Medicine, Connecticut, USA for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1955 (102 of 1955), the Central Government hereby specifies the period of two years with effect from the date of this Order or so long as Dr. Willard R. Conterwall, who possesses the said qualification, continues to work in the Christian Medical College and Hospital, Vellore to which he is attached for the time being for the purposes of teaching research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Willard R. Conterwall shall be limited.

[No. F. 16-52/62-MI (MPT).]

B. B. L. BHARADWAJ, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS

(Department of Transport)

(Transport Wing)

New Delhi, the 12th June 1963

S.O. 1703.—In exercise of the powers conferred by clause (1) of article 299 of the Constitution of India, the President hereby directs that the following instruments may be executed on his behalf by the Consulting Engineer (Road Development), Department of Transport, Government of India:—

"Tripartite agreements between the President of India, the India General Navigation and Railway Company Ltd. (40, St. Mary Axe, London and 4 Fairlie Place, Calcutta) and Rivers Steam Navigation Company Ltd. (40, St. Mary Axe, London and 2 Fairlie Place, Calcutta) setting out the relevant facts whereby Rivers Steam Navigation Company Ltd. undertake to discharge all the liabilities of the India General Navigation and Railway Company Ltd."

[No. 7-IWT(53)/63.]

G. VENKATESWARA AYYAR, Secy.

(Deptts. of Communications and Civil Aviation)

New Delhi, the 11th June 1963

S.O. 1704.—Whereas on the 3rd June, 1963, an Indian Airlines Corporation Fiper DC-3 aircraft VT-AUL, while operating a scheduled passenger service from Amritsar to Srinagar, crashed approximately 5 miles West of Pathankot, near Sarna Railway Station, resulting in the death of all the 25 passengers, including one infant, and 4 members of the crew;

And whereas it appears to the Central Government that it is expedient to hold a formal investigation of the said accident;

Now, therefore, in exercise of the powers conferred by Rule 75 of the Indian Aircraft Rules, 1937, the Central Government hereby directs that a formal investigation of the said accident be held.

The Central Government is further pleased to appoint Shri G. D. Khosla, a retired Chief Justice of the Punjab High Court, to hold the said investigation.

The Central Government is also pleased to appoint:

- (1) Dr. V. M. Ghatage, Deputy General Manager (Design and Development), Hindustan Aircraft Ltd., Bangalore;
- (2) Shri Y. R. Malhotra, Director of Air Safety, Civil Aviation Department,
- (3) Wing Commander Chandan Singh, Directorate of Operations (Transport and Logistics), Air Headquarters to act as assessors to the said investigation.

[No. 7-A/19-63.]

M. M. PHILIP, Secy.

(Department of Communications and Civil Aviation)

S.O. 1705.—In exercise of the powers conferred by Section 7 of the Indian Telegraph Act, 1885 (13 of 1885), the Central Government hereby makes the following rules further to amend the Indian Telegraph Rules, 1951, namely:—

1. These rules may be called the Indian Telegraph (Second Amendment) Rules, 1963.

2. For rule 443 of the Indian Telegraph Rules, 1951, the following rule shall be substituted, namely:—

"443. Default of Payment.—If, on or before the due date, the rent or other charges in respect of the telephone service provided are not paid by the subscriber in accordance with these rules, or bills for charges in respect of calls (local and trunk) or phonograms or other dues from the subscriber are not duly paid by him, any telephone or telephones rented by him may be disconnected without notice. The telephone or telephones may, if the Telegraph Authority thinks fit, be restored, if the defaulting subscriber pays the outstanding dues and the reconnection fee together with the rental for such portion of the intervening period (during which the telephone remains disconnected) as may be prescribed by the Telegraph Authority from time to time. The subscriber shall pay all the above charges within such period as may be prescribed by the Telegraph Authority from time to time."

[No. 28-3/62-PHA.]

M. P. SHUKLA,

Assistant Director General (PHA).

(P. & T. Board)

New Delhi, the 11th June 1963

S.O. 1706.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1st August, 1963, as the date on which the Measured Rate System will be introduced in Patiala Telephone Exchange.

[No. 31/11/62-PHB.]

S. RAMA IYER,

Assistant Director General (PHB).

MINISTRY OF COMMUNITY DEVELOPMENT AND COOPERATION)

(Department of Cooperation)

New Delhi, the 10th June 1963

S.O. 1707.—In exercise of the powers conferred by Section 5-B of the Multi-Unit Cooperative Societies Act, 1942 (6 of 1942), the Central Government hereby directs that all powers or authority exercisable by the Central Registrar of Cooperative Societies under the said Act shall also be exercisable by Shri V. K. Appandarajan, Registrar of Cooperative Societies, Madras, during the absence on leave of Shri V. Balasundaram, in respect of the Multi-Unit Cooperative Societies which are or are deemed to be actually registered in the State of Madras.

[No. 3-17/62-CT.]

G. D. GOSWAMI, Jt. Secy.

MINISTRY OF WORKS, HOUSING AND REHABILITATION

(Department of Rehabilitation)

New Delhi, the 13th June 1963

S.O. 1708.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee superstructure specified in the schedule hereto annexed in the State of Punjab for a public purpose, being a purpose connected with

relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires the evacuee superstructure specified in the schedule hereto annexed.

THE SCHEDULE

Serial No.	Particulars of the evacuee property	Name of the Town & locality/ village in which the property is situated.	Name of the evacuee owner.
1	2	3	4
1.	Superstructure of properties Nos. 504, 505, 506, 508 and 509.	Ariwand Tehsil Kaithal, Distt. Karnal.	Mubarik Ali and Chandu Telic.

[No. 3(25) L & R/63.]

M. J. SRIVASTAVA,
Settlement Commissioner & Ex-Officio Under Secy.

(Department of Works & Housing)

New Delhi, the 10th June 1963

S.O. 1709.—In pursuance of the provisions of rule 45 of Fundamental Rules, the President hereby directs that with effect from the 15th June, 1963, the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, for the time being in force and applicable to Government residences in Delhi, shall apply *mutatis mutandis* to the allotment of Government residences in Press Pool in Delhi and that the said rules shall have effect in their application to Press Pool subject to the following modifications, namely:—

In the said rules—

- (1) for the words "eligible officers who are required to reside on duty in Delhi with the Government of India or the Delhi Administration" appearing in the heading under 'Division XXVI-B' the words "the Government of India Press, New Delhi" shall be substituted.
- (2) In S.R. 317-B-1—
 - (a) in Sub-rule (1) for the words "General Pool" the words "Press Pool" shall be substituted.
 - (b) in Sub-rule (2) for the word "May" the word "June" shall be substituted.
- (3) for S.R. 317-B-2 (e) the following shall be substituted, namely:—

"(e) 'eligible office' means any Section or Wing of the Government of India Press, New Delhi".
- (4) In S.R. 317-B-4(4) for the words "under these rules" the words "under the rules applicable to them" shall be substituted.
- (5) S.R. 317-B-8 shall be omitted.

[No. 3/15/63-Acc.I.]

V. P. SUD, Dy. Secy.

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

ARCHAEOLOGY

New Delhi, the 11th June 1963

S.O. 1710.—Whereas by notification of the Government of India in the Ministry of Scientific Research and Cultural Affairs No. F. 4-4/63-C.I., dated 20th March, 1963, published in Part II, Section 3, sub-section (ii) of the Gazette of India, dated the 30th March, 1963, the Central Government gave notice of its intention to declare the archaeological monument specified in the Schedule below to be of national importance.

And, whereas, no objections have been received to the making of such declaration.

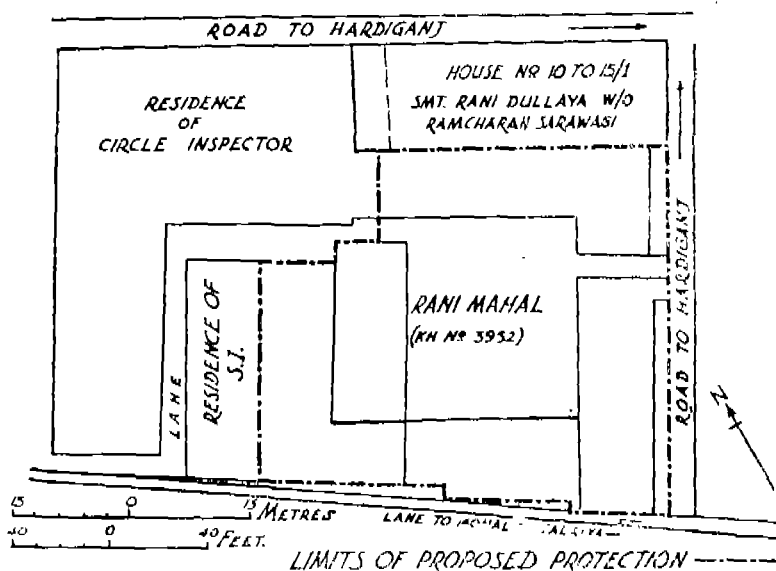
Now, therefore in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said archaeological monument to be of national importance.

SCHEDULE

Sl. No.	State	District	Tahsil	Locality	Name of monument
1	2	3	4	5	6
1.	Uttar Pradesh	Jhansi	Jhansi	Jhansi	Rani Lakshmi Bai Mahal together with area comprised in part of survey plot No. 3952 as shown in the plan reproduced below.

SITE PLAN

RANI LAKSHMI BAI MAHAL : JHANSI



Revenue plot number to be included under protection	Area	Boundaries	Ownership
7	8	9	10
Partt of survey plot No. 3952 as shown in the plan repro- duced below	0.53 Acres	<p><i>North.</i>—Private Houses in the remaining portion of survey plot No. 3952.</p> <p><i>East.</i>—Road in the remaining portion of survey plot No. 3952.</p> <p><i>South.</i>—Public lane in the remaining portion of the survey plot No. 3952.</p> <p><i>West.</i>—Sub-Inspector's and Circle Inspector's quar- ters.</p>	State Government.

New Delhi, the 12th June 1963

S.O. 1711.—Whereas the Central Government is of opinion that the ancient and historical monuments and sites specified in the schedule to this notification have ceased to be of national importance,

Now, therefore, in exercise of the powers conferred by section 36 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares that the monuments/sites aforesaid have ceased to be of national importance for the purpose of the said Act.

List of Monuments

Sl. No.	State	District	Locality	Name of monuments/site	Protection notification i. Preliminary. ii. Confirmatory iii. Subsequent if any.
1	2	3	4	5	6
1.	Madras	Madurai	Madurai	Thirumalai Naick's Palace	i. No. 131 dt. 19-3-1921. ii. No. 76 dated 14-7-1921, Govt. of Madras. iii. No. 524 dated 5-3-1927, Deptt. of Education, Health and Lands.
2.	Do.	North-Arcot	Wandiwash	Fort	i. No. 8 dated 23-12-1920. ii. No. 133 dated 23-3-1921, Govt. of Madras.
3.	Do.	South-Arcot	Porto Novo	Ruins of the Roman Catholic Portuguese Church.	i. No. 112, dated 15-5-1924. ii. No. 191, date 6-9-1924, Govt. of Madras.
4.	Do.	Madras	Tondiarpet	Obelisk	i. No. 218 dated 7-12-1920. ii. No. 34 dated 20-1-1921, Govt. o Madras.
5.	Do.	North-Arcot	Pudupaddi	Vedanrayana Perumal temple.	i. No. 205, dated 5-3-1908. ii. No. 437, dated 20-7-1908, Govt. of Madras.
6.	Do.	North-Arcot	Sholinghur	Muhammadan tomb	i. No. 95, dated 2-7-1927. ii. No. 136, dated 12-9-1927, Government of Madras.

1	2	4	5	6
7. Madras	Madras	Tondiarpet	Pillar (R. S. No. 1816 of Tondiarpet.)	i. No. 218, dated 7-12-1920. ii. No. 34 dated 20-1-1921, Government of Madras.
8. Do.	Do.	Do.	Pillar (R. S. No. 1793 of Tondiarpet.)	Do.
9. Madras	Chingleput	Chingleput	Ther Mahal	i. No. 219, dated 7-12-1920. ii. No. 62 dated 16-6-1921, Government of Madras. iii. No. F. 284/3/32-F dated 22-12-1932, Deptt. of Education, Health and Lands.
10. Do.	Madras	Tondiarpet	Slab	i. No. 218, dated 7-12-1920. ii. No. 34, dated 20-1-1921, Government of Madras.
11. Do.	Tiruchirappalli	Puthur	Cholamparai rock with inscriptions	i. No. 54 dated 7-2-1921. ii. No. 44 dated 3-5-1921 Government of Madras.
12. Do.	Tirunelveli	Tuticorin	Dutch cemetery	i. No. 5, dated 23-12-1920. ii. No. 130, dated 19-3-1921, Government of Madras.
13. Do.	Thanjavur	Nagapattinam	Dutch cemetery with its compound walls, and four tomb stones embedded in a wall within the compound in T.S. No. 24 of Ward II.	i. No. F. 4-17 (2)/41 F. & L, dated 4-12-1941. ii. No. F. 4-17(5)/41-F. & L. dated 12-3-1942, Deptt. of Education Health and Lands.
14. Do.	Do.	Do.	Dutch cemetery with its compound wall in S. No. 209.	i. No. 102, dated 6-6-1922. ii. No. 161, dated 5-9-1922, Govt. of Madras.
15. Do.	Do.	Do.	Old Dutch cemetery in T.S. No. 16 of ward II.	i. No. F. 4-32(2)/39-F&L, dated 14-12-1939. ii. No. F. 4-32(6)/39-F.L.d. 27-3-1940. Deptt. of Education, Health and Lands.

[No. F. 4-15/63-C.I.]

S. J. NARSIAN,
Assistant Educational Adviser.

MINISTRY OF LABOUR AND EMPLOYMENT*New Delhi, the 11th June 1963*

S.O. 1712.—Whereas by the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 3713, dated the 8th December, 1962, the Central Government being satisfied that the public interest so required, had declared the industry for the supply of milk under the Delhi Milk Scheme to be a public utility service for the purposes of the Industrial Disputes Act, 1947 (14 of 1947), for a further period of six months from the 22nd December, 1962;

And whereas, the Central Government is of the opinion that public interest requires the extension of the said period;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 22nd June, 1963.

[No. 1/23/63-LRI.]

New Delhi, the 12th June 1963

S.O. 1713.—In exercise of the powers conferred by sub-section (2) of section 33C of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 1188, dated the 15th April, 1963, namely:—

In the Table annexed to the said notification,—

(i) in the entries under column 3 against serial No. 2, for the entries “the States of Assam, Bihar, Orissa and West Bengal, and the Union territories of Manipur and Tripura”, the entries “the State of Bihar” shall be substituted;

(ii) after serial No. 2, following entries shall be inserted under columns 1, 2 and 3 respectively, namely:—

“2A.	Labour Court, Gauhati, constituted under Section 7 of the said Act by the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1572, dated 31st May, 1963.	The State of Assam and the Union territories of Manipur and Tripura.
2B.	Labour Court, Bhubaneswar, constituted under section 7 of the said Act by the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 1571, dated 31st May 1963.	The State of Orissa.
2C.	Labour Court, Calcutta, constituted under section 7 of the said Act by the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 1570, dated the 31st May, 1963.	The State of West Bengal.”

[No. F. 1/10/63-LRI.]

New Delhi, the 17th June 1963

S.O. 1714.—In exercise of the powers conferred by Section 4 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour & Employment, No. S.O. 716, dated the 21st March, 1961, namely:—

In the Table annexed to the said notification—

(i) in the entries relating to the State of Andhra Pradesh, the entry “Labour Inspector (Central), Visakhapatnam” against serial No. 3 shall be omitted; and

(ii) in the entries relating to the State of Madhya Pradesh, after Serial No. 13 and the entries relating thereto, the following entries shall be inserted in columns 1 and 2 respectively, namely:—

“13-A. Labour Inspector (Central), Raipur.”

[No. F. 1/24/63-LR-I.]

G. JAGANNATHAN, Under Secy.

New Delhi, the 11th June 1963

S.O. 1715.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Lucknow, in the industrial dispute between the employers in relation to the Punjab National Bank Limited and their workmen.

SRI J. K. TANDON, PRESIDING OFFICER (CENTRAL), LUCKNOW

REFERENCE No. 1 OF 1963 (CENTRAL)

In the matter of an industrial dispute between M/S. Punjab National Bank Ltd., New Delhi

Vs.

Their workman.

APPEARANCES:

For the Employers:—Sri H. P. Sharma, Authorised Representative

For the Workmen:—Sri R. P. Singh, Prov. Joint Secretary of U.P. Bank Employees' Union.

INDUSTRY: Bank.

DISTRICT: Allahabad.

May 27, 1963.

AWARD

The following matter of dispute has been referred to this Tribunal by the Central Government *vide* their Order dated March 28, 1963 under Section 7A and Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947):—

"Whether the management of the Punjab National Bank Limited was justified in treating 1st December 1951 as the date of promotion of Shri R. K. Tandon as supervisor and, if not, what date should be treated as the date of promotion of Shri R. K. Tandon and to what relief is he entitled?

2. It will appear from the above statement of the matter of dispute that the controversy is with regard to the date from which Shri R. K. Tandon, the workman concerned should be treated to have been promoted as Supervisor. Sri Tandon has been in the service of the Bank from some time before, according to him he started working as Supervisor with effect from 22nd July, 1948, the Bank instead claiming that he was a Teller until 1st December, 1951 when he was promoted as Supervisor. The parties have, however, settled their differences amicably and according to its terms Sri Tandon will be deemed to have been promoted as Supervisor with effect from 22nd July, 1948. The settlement which has been duly verified is reproduced in Annexure "A" attached herewith. Under its terms the workman will not be entitled to any consequential benefits except to two increments to be worked out according to this award. The settlement does not make provision for costs. I have heard the parties and I too refrain from making any order as to costs.

3. I make my award accordingly.

Sd./- J. K. TANDON,

Presiding Officer (Central).

Annex One

ANNEXURE 'A'

**BEFORE THE INDUSTRIAL TRIBUNAL (I), U.P.,
23, A. P. SEN ROAD, LUCKNOW.**

ADJUDICATION CASE NO. 1 (CENTRAL) OF 1963.

In the matter of Industrial Dispute *vide* Government of India Ministry of Labour & Employment, Notification dated 28th March, 1963—

BETWEEN:

The Management of the Punjab National Bank Ltd., H.O. Parliament Street, New Delhi.

AND

Their Workmen as represented by the U.P. Bank Employees' Union, 132-F, Attarsuiya, Allahabad.

The parties beg to state as under:—

1. That as per Notification dated 28th March, 1963 the Central Government has referred the following dispute for adjudication to this Hon'ble Tribunal:—

“Whether the management of the Punjab National Bank Ltd., was justified in treating 1st December, 1951 as the date of promotion of Shri R. K. Tandon as supervisor and if not, what date should be treated as the date of promotion of Shri R. K. Tandon and to what relief is he entitled?”

2. That this matter was discussed among the parties and a settlement on the following terms has been reached:—

A. That the Bank has agreed to treat 22nd July, 1948 as date of promotion of Sri R. K. Tandon as supervisor.

B. That Shri Tandon will not be entitled to any consequential benefit for having been treated as supervisor with effect from 22nd July, 1948 except that he will be allowed two extra increments in his present basic pay, adjusted according to Desai Award with effect from 1st January, 1962 and onward. It is understood that he shall not be entitled to any arrears of any kind prior to 1st January, 1962.

C. That it is in full and final settlement of the claim.

PRAYER

It is, therefore, respectively prayed that the Hon'ble Tribunal be pleased to give his Award on the terms and conditions quoted as agreed above by the parties.

Representing the Management:

For and on behalf of the
Punjab National Bank Limited,
Sd./- H. P. SHARMA,
District Manager.

Representing the Workmen:

For and on behalf of the U.P.
Bank Employees' Union,
Sd./- R. P. SINGH,
Prov. Joint Secretary.

LUCKNOW;

The 27th May, 1963.

Sd./- J. K. TANDON,
Presiding Officer,
Industrial Tribunal (I), U.P.,
Lucknow.

[No. 51(21)/63-LR[IV.]

S.O. 1716.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Lucknow, in the industrial dispute between the employers in relation to the Punjab National Bank Limited and their workmen.

SRI J. K. TANDON, PRESIDING OFFICER (CENTRAL), LUCKNOW

I.D. CASE No. 42 OF 1962.

In the matter of an industrial dispute between M/S. Punjab National Bank Ltd., New Delhi

Vs.

Their workman

(Sri Kameshwar Nath Srivastava).

APPEARANCES:

For the Employers:—Sri H. P. Sharma, Accountant, Punjab National Bank Ltd., District Manager's Office, Lucknow.

For the Workman:—Sri R. P. Singh, Prov. Joint Secretary of U.P. Bank Employees' Union.

INDUSTRY: Bank.

DISTRICT: Allahabad.

May 27, 1963.

AWARD

The Central Government as per their Order dated February 8, 1962 made under Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred the following matter of dispute originally to Industrial Tribunal, Delhi constituted under Section 7A of the said Act. Later, however, the case was transferred by the Central Government to this Tribunal which thereupon became seized of the dispute.

Matter of Dispute

From which date Shri Kameshwar Nath Srivastava should be deemed to have been appointed in the clerical cadre by the Punjab National Bank Limited?"

2. The dispute concerns one Sri Kameshwar Nath Srivastava who was for some time Daftari, but later started working on the clerical establishment. A controversy arose as to the date from which he shall be deemed to have been transferred on the clerical establishment. It is not necessary to state the respective cases put forward on behalf of the two parties, since they have amicably settled the differences and produced a written settlement under the signatures of the employers and the Bank Employees' Union which espoused the cause of the workman concerned. Under its terms—the settlement is reproduced in Annexure "A" hereto—Sri K. N. Srivastava will be treated to have been appointed as a Clerk on and from 1st May, 1953 and that his date of future annual increments shall fall on this date every year and not on 19th July, 1963 as otherwise contended. As regards arrears the settlement is that he will not be entitled to them. The settlement does not say anything about costs of these proceedings. Considering that the matter has been amicably settled, the parties themselves have not thought it necessary to make provision for costs, I am not making any order either. I award accordingly.

Sd./- J. K. TANDON,
Presiding Officer (Central).

ANNEXURE 'A'

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL),

23, A. P. SEN ROAD, LUCKNOW.

ADJUDICATION CASE No. I.D. 42 OF 1962.

In the matter of Industrial Dispute *vide* Government of India, Ministry of Labour & Employment, Notification dated 8th February, 1962

BETWEEN:

The Management of the Punjab National Bank Ltd., H.O. Parliament Street, New Delhi.

AND

Their workman as represented by the U.P. Bank Employees' Union, 132-F, Attarsuiya, Allahabad.

The parties beg to state as under:—

1. That as per Notification dated 8th February, 1962, the Central Government has referred the following dispute for adjudication to the Industrial Tribunal, Delhi and later on transferred to this Hon'ble Tribunal:—

"From which date Shri Kameshwar Nath Srivastava should be deemed to have been appointed in the Clerical cadre by the Punjab National Bank Ltd.?"

2. That this matter was discussed among the parties and a settlement on the following terms has been reached:—

A. That the Bank has agreed to treat 1st May, 1953 as the date of appointment in the Clerical cadre of Shri Kameshwar Nath Srivastava.

- B. That his present emoluments will remain unaffected except that the date of annual grade increment of Shri Srivastava will fall due on 1st May of every year with effect from 1st May, 1963 instead of 19th July, 1963. It is understood that he will not be entitled to any arrears of any kind prior to 1st May, 1963.
- C. That it is in full and final settlement of the claim.

PRAYER

It is, therefore, respectfully prayed that the Hon'ble Tribunal be pleased to give his Award on the terms and conditions quoted as agreed above by the parties.

Representing the Management:

For and on behalf of the
Punjab National Bank Limited,

Sd./- H. P. SHARMA,
District Manager.

Representing the Workmen:

For and on behalf of the U.P.
Bank Employees' Union,

Sd./- R. P. SINGH,
Prov. Joint Secretary.

LUCKNOW;

The 27th May, 1963.

Sd./- J. K. TANDON,
Presiding Officer,
Industrial Tribunal (I) U.P.,
Lucknow.

[No. 51(76)/61-LRIV.]

S.O. 1717.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Pure Chirimiri Colliery and the Chhattisgarh Colliery Workers Federation.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
AT BOMBAY.**

REFERENCE NO. CGIT-22 OF 1960

Employers in relation to the Pure Chirimiri Colliery

AND

The Chhattisgarh Colliery Workers' Federation.

PRESENT:

Shri Salim M. Merchant, *Presiding Officer*.

APPEARANCES:

For the employers: Shri S. R. Sabhlok, Manager of the Colliery and Shri Vidhu Shekhar, Chief Executive Officer, M/s. Central India Coal-Fields Ltd.

For the workmen: Represented by Shri Gulab Gupta, General Secretary, M.P. Colliery Workers' Federation, Chirimiri.

INDUSTRY: Coal Mining.

STATE: Madhya Pradesh.

Bombay, dated the 30th May, 1963.

AWARD

By an Order of Reference S.R.O. No. 65, dated 29th December 1956, this industrial dispute was referred for adjudication to the Industrial Tribunal, Dhanbad, where it was registered as Reference No. 1 of 1957. Thereafter, the Central

Government, by the Ministry of Labour and Employment's Order No. 55-1/4/56-LR-II, dated 24th May 1960, made in exercise of the powers conferred by sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), was pleased to withdraw the proceedings in this dispute, pending before the said Tribunal at Dhanbad and transfer the same to the Central Government Industrial Tribunal at Bombay presided over by me where the dispute was numbered as Reference No. 22 of 1960. However, the employers here in on or about 25th July 1960 filed a Writ Petition against this order of transfer in the Hon'ble Punjab High Court and obtained a Stay Order thereagainst. Consequently, the reference was not proceeded with by this Tribunal. Thereafter, on 29th May 1963, this Tribunal received a letter dated 27th May 1963, from the Secretary of the Central India Coal-Fields Ltd., enclosing an application dated 6th May 1963, signed by Shri S. R. Sabhlok, Agent, Oriental Colliery and Authorised Representative, Central India Coal-Fields Ltd., on behalf of the employers in relation to the Pure Chirimiri Colliery and by Shri Gulab Gupta, General Secretary, Madhya Pradesh Colliery Workers' Federation, representing the workmen in this dispute, stating that the parties had reached a settlement of the dispute out of court in terms of an agreement, a copy of which was enclosed with the said application. The parties in the said application have prayed that this Tribunal may be pleased to take the agreement on record and make an award in terms thereof. Along with the application the parties have forwarded a memorandum of settlement signed by the said Shri S. R. Sabhlok, representing the employers and Shri Gulab Gupta, representing the workmen and they have prayed that an award in this dispute may be made in terms of the agreement reached between them. A copy of the application of the parties dated 6th May 1963 is annexed hereto and marked as Annexure 'A', and a copy of the memorandum of settlement is annexed hereto and marked as Annexure 'B', and they shall form part of this Award.

As the parties have reached a settlement of this long-standing dispute on terms which appear to them to be reasonable and as the settlement appears to have been reached through the efforts of the Regional Labour Commissioner (Implementation), Dhanbad, I accept the same and make an award in terms recorded in the memorandum of settlement, a copy of which is Annexure 'B' hereto, and which forms part of this Award.

No order as to costs.

Sd./- SALIM M. MERCHANT,

Presiding Officer,

Central Government Industrial Tribunal,
Bombay.

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
BOMBAY.

REFERENCE No. 1 OF 1957.

Employers in relation to Pure Chirimiri Colliery

Vs.

Their Workmen, represented by Chhattisgarh Colliery Workers' Federation
(now known as Madhya Pradesh Colliery Workers' Federation),
P.O. Chirimiri, M.P.

*In the matter of industrial disputes over payment of 12½ per cent
increase etc. etc. to workers.*

The parties beg to submit as under:—

1. The parties have reached a settlement of the dispute in the matter of aforesaid reference out of court and have signed an agreement, which is filed herewith.

The parties, therefore, pray that this Hon'ble Tribunal be pleased to take the agreement on record and make an award in terms thereof.

Sd./- GULAB GUPTA,

General Secretary,
M.P. Colliery Workers' Federation,
Chirimiri.

The 6th May, 1963.

Sd./- S. R. SABHLOK,

Agent, Orient Colliery and
Authorised Representative,
Central India Coalfields Ltd.

ANNEXURE 'B'

MEMORANDUM OF SETTLEMENT

Representing Employers:—Shri S. R. Sabhlok,

Representative of M/s. Central India Coal Fields
Ltd.,
Pure Chirimiri Colliery,
P.O. Chirimiri (District Surguja).

Representing Workmen:—Shri Gulab Gupta,

General Secretary,
Chhattisgarh Colliery Workers' Federation
(Now known as M.P. Colliery Workers'
Federation),
P.O. Chirimiri (District Surguja).

SHORT RECITAL OF CASE

By an order of the reference (S.R.O. No. 65, dated 29th December, 1956), the Government of India had referred 12 demands of the workmen of Pure Chirimiri Colliery for adjudication to the Industrial Tribunal, Dhanbad. Proceedings with regard to these demands were transferred by the Central Government to the Industrial Tribunal, Bombay by an Order No. 55-1/4/56-LR-II, dated 24th May, 1960. The management filed a writ-petition against this order of transfer on 25th July, 1960 before the Punjab High Court and obtained a stay order from the said High Court. The matter has not yet been disposed of by the High Court.

In the meantime, the parties wanted to have an out of court settlement of the dispute and therefore the matter was discussed by the parties on 17th April 1963 at Calcutta in the presence of the Regional Labour Commissioner (Implementation), Dhanbad and subsequently from time to time. As a result of these discussions the following settlement was arrived at:—

Terms of Settlement

(1) Agreed that the management shall pay a lumpsum of Rs. 12,000/- (Rupees twelve thousand only) to the General Secretary, M.P. Colliery Workers' Federation for distribution to the workers concerned in full and final settlement of demands having financial implications as set out in the schedule to the Ministry of Labour and Employment Order No. LR-II/55/1/56, dated 29th December 1956 referring the dispute to adjudication.

(2) The said amount of Rs. 12,000/- will be disbursed by the M.P. Colliery Workers' Federation to the workmen concerned in the aforesaid dispute expeditiously.

(3) If any amount remains undisbursed after the expiry of one year from the date of this agreement on account of non-availability of any of the eligible workmen to whom the payment is to be made, the said amount shall be spent by the Federation for purposes of welfare of colliery workers.

(4) The amount as agreed under para 1 shall be paid within a month from the date of the award of the Industrial Tribunal, Bombay before whom the dispute is pending at present.

(5) The management shall withdraw immediately the writ-petition pending before the Hon'ble Punjab High Court. Both the parties shall file this agreement before the Industrial Tribunal, Bombay with a request to give an award in terms thereof. This shall be done within 15 days from the date of withdrawal of the writ-petition from the Punjab High Court.

Representing Employer:

Sd./- S. R. SABHLOK.

Witnesses:

1. Sd./- L. P. DAVE.

2. Sd./- B. R. SETH.

Representing Workmen:

Sd./- GULAB GUPTA.

New Delhi, the 13th June, 1963.

S.O. 1718.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Indore, in the industrial dispute between the employers in relation to Messrs. Jaipur Udyog Limited, Sawaimadhopur, Rajasthan and their workmen employed in Phalodi Quarries.

BEFORE SHRI M. A. RAZZAQUE,
INDUSTRIAL TRIBUNAL, MADHYA PRADESH, INDORE.

Reference No. 3/I.T./1963/Central.

BETWEEN

The Vice-President of Cement Works Karmachari Sangh, Sawaimadhopur.—Party No 1.

AND

The Jaipur Udyog Limited, Sawaimadhopur (Rajasthan).—Party No. 2.

In the matter of a reference made by the Central Government under Section 10(1) of the Industrial Disputes Act, 1947 regarding designating Shri Hari Ram as Bulldozer operator and giving him the grade of this post.

APPEARANCES:—

Shri R. K. Goyal, Labour Officer, on behalf of the Party No. 2.

AWARD

This is a reference made by the Central Government under Section 10(1) (d) of the Industrial Disputes Act, 1947, relating to an industrial dispute existing between the Cement Works Karmachari Sangh and Messrs Jaipur Udyog Ltd.—Sawaimadhopur, regarding designating Shri Hariram as Bulldozer Operator and giving him the grade of that post. Shri Goyal, Labour Officer of Party No. 2, has filed compromise petitions purporting to have been signed by Hariram and also by himself. Shri Goyal's statement was recorded. He has testified to the fact that Hariram has signed the two applications in his presence. He further says that the compromise is voluntary.

2. In view of Shri Goyal's Statement, I am satisfied that the compromise is lawful and it is also voluntary.

3. In terms of the compromise, it is ordered that in full and final settlement of the demand made by the said workman Shri Hariram, he has already been designated as a Bulldozer Operator and has been placed in the 'C' grade (skilled-lower) of the Cement Wage Board and given a basic salary of Rs. 89.70 nP, which he has accepted without any objection and he has no further claim or dispute in regard to the aforesaid reference. In view of this, the reference—No. 3/I.T./1963(Central) be considered as settled and award is passed accordingly. Parties shall bear their own cost as incurred.

Sd./- M. A. RAZZAQUE,
Industrial Tribunal, Madhya Pradesh.

By order,

Sd./- H. S. SAXENA, Registrar.

Indore, dated the 29th May, 1963.

True Copy
H. S. SAXENA,
Registrar.
Industrial Court, M.P., Indore.
[No. 22/3/63-LRII.]

New Delhi, the 14th June, 1963

S.O. 1719.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Madanpur Colliery, Post Office Andal, District Burdwan, and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a Reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 1947).

REFERENCE No. 41 OF 1962

PARTIES:

Employers in relation to the Madanpur Colliery, P.O. Andal, Dist., Burdwan

AND

Their workmen.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L.—*Presiding Officer*:

APPEARANCES:—

For the Employers.—Sri S. N. Murrakar, Director.

For the Workmen.—Shri Kalyan Roy, Vice-President Colliery Mazdoor Sabha

STATE: West Bengal.

INDUSTRY: Coal.

Dhanbad, dated the 7th May, 1963

AWARD

This reference was made by the Ministry of Labour and Employment, Government of India, by its Order No. 6/4/62-LR II, dated 5th November, 1962, under Section 10(1)(d) of the Industrial Disputes Act, 1947, for adjudication of the following industrial dispute, which existed between the employers in relation to the Madanpur Colliery and their workmen, in respect of the matter specified below:

"Whether the management of the Madanpur Colliery was justified in transferring on or about 25th August, 1962, Shri Ambika Singh from the post of a Pump Khalashi to the post of a Bailor and subsequently to the post of a Loader. If not, what relief is the workman entitled to?"

2. The Colliery Mazdoor Sabha, affiliated to the Indian Mine Workers' Federation, on behalf of the concerned workman, submitted its written statement on 14th November, 1962. The management also submitted its written statement by way of rejoinder on 29th January, 1963.

3. Sri S. N. Murrakar, Director of the Company, appeared for the management and Shri Kalyan Roy appeared for the workman concerned. At their request, on their joint petition filed on 28th March, 1963, the case was adjourned to 7th May, 1963, for enabling the parties to amicably settle the dispute among themselves and to file, thereafter, their agreed minutes before this Tribunal.

4. Today, on 7th May 1963 both the parties have filed a joint petition of compromise dated 4th May, 1963, signed by Shri Kalyan Roy, Vice-President of the Colliery Mazdoor Sabha, on behalf of the workman concerned, and, by the Agent of the Madanpur Colliery, setting out their terms of agreement and praying that an award in terms of the said compromise be made.

5. I have read the terms of the compromise and am satisfied that they are reasonable and fair in the interest of both the parties, and, therefore, the compromise is accepted and an award on the basis of the same is hereby made.

6. The reference, accordingly, is disposed of in terms of the said petition of compromise dated 4th May, 1963, which is marked Annexure 'A' and made a part of this award.

7. This is my award which I make and submit to the Government of India under Section 15 of the Act.

DHANBAD;

Dated the 7th May, 1963.

(Sd.) RAJ KISHORE PRASAD,
Presiding Officer,
Central Govt., Industrial Tribunal,
Dhanbad.

ANNEXURE A

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE NO. 41 OF 1962

Employers in relation to the Madanpur Colliery

AND

Their workmen.

The parties have discussed and arrived at the following settlement:—

1. That Shri Ambika Singh will be reinstated to the post of Pump Khalashi. in case the management is unable to give him the job of Pump Khalashi, he will be given the job of Onsetter or Timber Mazdur or Line Mazdur or Fitter Mazdur.

That he will be reinstated within 7 days of the Agreement.

2. That the period of unemployment will be treated as leave without pay and there will be no break in his service.

3. That the management after checking the records will pay him within 14 days of his resumption of duties the following dues:

12 days leave wages for the year 1961 and 12 days leave wages for the year 1962; Bonus for the quarter ending December 1961; unpaid bonus of 1962; lay off wages for the period 30th June 1962 to 11th July 1962.

4. That he will be placed in Category III and his Basic will be Rs. 1.37 nP per day till next increment. That he will be given leave twelve days with wages in 1963.

That the parties most humbly pray that an award may be made to this effect.

Sd/- KALYAN ROY,
Vice President, Colliery Mazdoor Sabha.
4-5-1963.

Sd/- Illegible
Agent,
Madanpur Colliery, 4-5-1963
[No. 6/4/62-LRII.]

S.O. 1720.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Madanpur Colliery, Post Office Andal (Burdwan) and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a Reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 1947).

REFERENCE NO. 9 OF 1963

PARTIES:

Employers in relation to the Madanpur Colliery, P.O. Andal, District Burdwan.

AND

Their workmen.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

APPEARANCES:

For the Employers: Shri S. N. Murrakar, Director.

For the Workmen: Shri Kalyan Roy, Vice-President, Colliery Mazdoor Sabha.

STATE: West Bengal

INDUSTRY: Coal,

Dhanbad, dated the 7th May, 1963

AWARD

The Ministry of Labour & Employment, Government of India, by its Order No. 6/19/62-LR.II dated 16th January 1963, referred the following industrial dispute, existing between the employers in relation to the Madanpur Colliery and their workmen, under Section 10(1)(d) of the Industrial Disputes Act, 1947, for adjudication to this Tribunal:

"Whether the management was justified in stopping Sri Bishun Koiri, Prop Mazdur, from work with effect from 9th September 1962? If not, to what relief is he entitled?"

2. Before the workman could file his written statement and the management its defence, Sri S. N. Murrakar, Director of the Company, on behalf of the management and Shri Kalyan Roy, on behalf of the workman concerned appeared on 28th March 1963 and jointly prayed to fix hearing of the case on 7th May 1963, on which date, if necessary, they would file their respective statements of claim.

3. Today, on 7th May 1963 both the parties filed a joint petition of compromise dated 4th May 1963, settling out the terms of their agreement signed by Sri Kalyan Roy, Vice-President, Colliery Mazdoor Sabha, for the workman concerned, and by the Agent of the Madanpur Colliery, for the company, and prayed that an award be made in terms of this joint petition of compromise.

4. I have read the terms of compromise and am satisfied that they are reasonable and fair in the interest of both parties, and, therefore, the said compromise is accepted, and, an award in terms thereof made.

5. The reference is accordingly disposed of in terms of the compromise dated 4th May 1963 which is marked Annexure 'A' and made a part of this award.

6. This is my award which I make and submit to the Central Government under Section 15 of the Act.

DHANBAD;

Sd/- RAJ KISHORE PRASAD,
Presiding Officer,
Central Govt. Industrial Tribunal,
Dhanbad.

ANNEXURE A

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 9 OF 1963

Employers in relation to the Madanpur Colliery

AND

Their workmen.

The parties have discussed and arrived at the following settlement:—

1. That Shri Bishun Koiri will be reinstated as a Trammer piece rated and paid as such. However, in case of necessity, the management may transfer him to the posts of Prop Mazdur or Line Mazdur with due notice without any changes in wages.

2. That the period of absence will be treated as leave without pay and there will be no break in his service. He will be taken back within seven days of the agreement.

That the parties most humbly pray that an award may be made to this effect.

KALYAN ROY,

Vice President,

Colliery Mazdoor Sabha

4-5-1963.

Sd/- Illegible,
Agent,

Madanpur Colliery.

4-5-63

[No. 6/19/62-LR.II.]

New Delhi, the 15th June 1963

S.O. 1721.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of applications under section 33A of the said Act from Sarvashri Ram Kant, Bhagirath and Shamsuddin, Underground Loaders, Girimint Colliery, c/o Colliery Mazdoor Sabha, Asansol, District Burdwan, which was received by the Central Government on the 31st May, 1963.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD

In the matter of complaints under Section 33A of the Industrial Disputes Act, 1947 (XIV of 1947).

COMPLAINT No. 25 of 1962

(arising out of Reference 19 of 1960)

Ramkant, Underground Loader,
Girimint Colliery,
C/o Colliery Mazdoor Sabha, Asansol,
District Burdwan—*Complainant*.

Vs.

Manager, Girimint Colliery, P.O. Charanpur,
District Burdwan—*Opposite party*.

COMPLAINT No. 26 of 1962

(arising out of Reference 19 of 1962)

Bhagirath, Underground Loader,
Girimint Colliery,
C/o Colliery Mazdoor Sabha—*Complainant*.

Vs.

Manager, Girimint Colliery, P.O. Charanpur—*Opposite party*.

COMPLAINT No. 27 of 1962

(arising out of Reference 19 of 1960)

Shamsuddin, Underground Loader,
Girimint Colliery,
C/o Colliery Mazdoor Sabha—*Complainant*.

Vs.

Manager, Girimint Colliery, P.O. Charanpur—*Opposite party*.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L.,

Presiding Officer.

APPEARANCES:

For the Complainants: Colliery Mazdoor Sabha, through its un-named officer.

For the Opposite party: Shri D. Narsingh, Advocate, Dhanbad.

STATE: West Bengal.

INDUSTRY: Coal.

Dhanbad, dated the 6th April, 1963

AWARD

These three complaints Nos. 25, 26 and 27 of 1962 were made under Section 33A of the Industrial Disputes Act, 1947, in Reference No. 19 of 1960, which was referred to this Tribunal for adjudication under Section 36A of the Act.

2. *Complaint No. 25* was made on 20th August 1962 by one Ramkant, Underground Loader of the Girimint Colliery, complaining against his dismissal with effect from 11th June, 1962, on the ground that his dismissal was *malafide* and unjustified. The company opposite party filed its rejoinder on 1st December 1962.

3. Complaint No. 26 was made on 30th July 1962 by Bhagirath, Under-ground Loader of Girimint Colliery, against his dismissal with effect from the 11th June, 1962, on the ground that the said dismissal was *malafide* and unjustified. The company opposite party filed its rejoinder on 1st December 1962.

4. Complaint No. 27 was made on 30th July 1962 by A. Shamsuddin, Under-ground Loader of the Girimint Colliery, complaining against his dismissal with effect from 11th June 1962 on the ground that it was *malafide*, unjustified and by way of victimisation.

5. As all these three complaints arose out of Reference 19 of 1960 and were directed against one and the same Colliery, namely, Girimint Colliery, they were heard together with the consent of parties, and, as a common question of law arises they are all being disposed of by this award.

6. Shri D. Narsingh, Advocate, appearing for the Company opposite party, raised a preliminary objection that these complaints were not maintainable in view of a Bench Decision dated 6th February 1963 of the Patna High Court in M.J.C. 21 of 1961, *Management of Sendra Bansjera Colliery Co. Private Limited Vs. Sri Shantilal M. Bhatt and another*, in which it has been held that a reference under Section 36A of the Act was not an industrial dispute, and, as such, a complaint for infringement of the provisions of Section 33 of the Act was incompetent, and, the Tribunal had no jurisdiction to entertain "such complaints under Section 33A of the Act".

7. The complainants in these three complaints were represented by the Colliery Mazdoor Sabha and on behalf of the said Union, a written argument was also filed contending that although the reference in Reference No. 19 of 1960 is under Section 36A of the Act, the complaints under Section 33A of the Act were maintainable.

8. Before the decision of the Patna High Court, just mentioned, the same question was raised before me in Complaints Nos. 109 and 112 of 1960, arising out of Reference No. 27 of 1960, as a preliminary objection to the maintainability of those complaints, and there also it was argued that a proceeding under Section 36A of the Act was not a proceeding in respect of any industrial dispute within the meaning of Section 10 or Section 10A or Section 2(k) of the Act, and, therefore, Section 33 did not apply to such a reference, and, accordingly, the concerned workmen have no right to make a complaint under Section 33A of the Act in such a reference.

9. On a consideration of the arguments of the learned representatives of both sides, I over-ruled the preliminary objection in the said cases, and, held that a reference under Section 36A was an industrial dispute within the meaning of Section 2(k) of the Act, in that, the pre-requisites of an industrial dispute, postulated by Section 2(k), are satisfied in such a case also, and, therefore, complaints filed under Section 33A of the Act, in such a reference, complaining of infringement of Section 33, were maintainable.

10. In coming to the above conclusion, I made certain observations, which are to be found in paragraphs 7 to 16 of my judgment dated 29th September 1962, which are to the following effect:—

"7. For deciding the first objection, raised on behalf of the company to the maintainability of the present complaints under Section 33A, it is, however, necessary, first, to ascertain what was the nature of the dispute which was pending in Reference No. 27 of 1960.

What happened was this:

An industrial dispute between the employers in relation to 939 coal mines situated in several States and their workmen was referred for adjudication to the All India Industrial Tribunal (Colliery Disputes) on 22nd February 1954 and its award was published in the Gazette of India Extraordinary, on 26th May 1956. Thereafter, a difficulty arose as to the interpretation of the said award on the question, "whether a "traffic" is to be placed in Grade II of the clerical service in terms of the said Award". This item of dispute was, therefore, referred under Section 36A of the Act to this Tribunal on 23rd May 1960 for decision and this Reference under Section 36A was registered and numbered as Reference No. 27 of 1960. The order was made therein on 31st October 1960 which was published in the Gazette of India on 26th November 1960."

"8. The crucial question, therefore, for determination, is, whether a reference under Section 36A of the Act is an 'industrial dispute' within the meaning of Section 2(k)? If such a reference is held to come within the definition of the expression "industrial dispute", as defined in Section 2(k) of the Act, then certainly the dispute pending adjudication in Reference No. 27 of 1960 will be an 'industrial dispute', as contemplated by the Act."

"9. The expression 'industrial dispute' has been defined in Section 2(k) of the Act in these terms:

"Section 2(k). 'Industrial dispute' means any dispute or difference between employers and employers or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment of the terms of employment or with the conditions of labour of any person";

The questions are "what is its scope?; and, Does it include or/and contemplate a reference under Section 36A?" This definition of 'industrial dispute', given in Section 2(k), was considered by the Federal Court of India in *Western Indian Automobile Association Vs. The Industrial Tribunal, Bombay*, 1949-I.L.L.J. 245, in which Mahajan J., who delivered the unanimous opinion of the Court, at page 248, said:

"The definition is, as pointed out by Lord Porter in *National Association of Local Government Officers Vs. Bolton Corporation* worded in very wide terms which unless they are narrowed down by the meaning given to the term 'workman' would seem to include all employees, all employment and all workmen, whatever the nature of scope of the employment may be."

The above decision of the Federal Court was referred to with approval by the Supreme Court in *State of Madras Vs. C. P. Sarathy*, 1953 I.L.L.J. 174 at page 180.

In *Workmen of Dimakuchi Tea Estate Vs. Dimakuchi Tea Estate* 1958 I.L.L.J. 500 A.I.R. 1958 S.C. 353, the Supreme Court, while considering the Definition in Sec. 2(k), at page 503-504, said:

"If we analyse the definition clause, it falls easily and naturally into three parts:

First, there must be a dispute or a difference;

Second, the dispute or difference must be between employers and employers, or between employers and workmen or between workmen and workmen;

Third, the dispute or difference must be connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person.

The first part obviously refers to the factum of a real or substantial dispute; the second part, to the parties to the dispute; and the third, to the subject-matter of that dispute. That subject-matter may relate to any of two matters—(i) employment or non-employment, and (ii) terms of employment or conditions of labour, of any person."

10. Recently, in *New India Motors (Private) Limited, Vs. K. T. Morris*, 1960 I.L.L.J. 551—1960 (3) S.C.R. 350, the Supreme Court considered again the definition of 'industrial dispute' prescribed by section 2(k) and laid down its requirements, at page 554, in these terms:

"It means inter alia any dispute or difference between employers and workmen which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person. It is well settled that before any dispute between the employer and his employee or employes can be said to be an industrial dispute under the Act, it must be sponsored by a number of workmen or by a union representing them. It is not necessary that the number of workmen of the union that sponsors the dispute should represent the majority of workmen. Even so, an individual dispute

cannot become an industrial dispute at the instance of the aggrieved individual himself. It must be a dispute between the employer on the one hand and his employees acting collectively on the other."

"11. The above essential nature of an 'industrial dispute' prescribed by Section 2(k) must be borne in mind in interpreting the material provisions of sub-section (2) of Section 33 also, although in the just mentioned case the Supreme Court was considering Section 33(1)(a).

In my opinion, the essential requirements and the essential nature of an 'industrial dispute', as pointed out by the Supreme Court, in the above-mentioned cases, are satisfied in the instant case also.

There was a dispute or difference between the employers and the workmen with regard to the interpretation of the Coal Award, referred to before in para 7, connected with the terms of employment or with the conditions of labour of the persons employed in the 'traffic' as to the grade in which a 'traffic' should be placed, and, further, the said dispute was sponsored by the Union representing the workmen working in the 'Traffic'. It is plain, therefore, that the dispute under adjudication in Reference No. 27 of 1960 was a dispute between the employers on the one hand and their employees working in the 'traffic' acting collectively on the other, and, as such, the reference under Section 36A in Reference No. 27 of 1960 must be held to be an Industrial dispute."

"12. As rightly pointed out by Shri Chanda, on behalf of the complainants, even in the reference made under Section 36A to the Tribunal, the existence of an industrial dispute between the employers and their workmen, is specifically mentioned. There can, therefore, be no doubt about the existence of an 'industrial dispute' between the parties to Reference No. 27 of 1960."

"13. Shri Chanda, on behalf of the workmen, drew my attention in this connection to the decision of my learned predecessor, the late Shri G. Palit, dated 9th December, 1960, both in Application No. 92 of 1960 and Application No. 94 of 1960 under Section 33A arising out of Reference No. 27 of 1960, in which similar preliminary objection was raised, but it was rejected. With respects, I may state that I entirely agree with him. I may, however, mention that the decision of Shri Palit in Application No. 92 of 1960 is pending decision in M.J.C. 21 of 1961 before the Patna High Court, but both the parties did not like the hearing of these two applications under Section 33A, arising out of the same Reference No. 27 of 1960, to await that decision."

"14. In this connection, it was further argued by Shri Ghosh, on behalf of the company, (i) that an 'industrial dispute' could be referred only under Section 10 or 10A, and, under no other section of the Act, and, therefore, this also shows that the Act does not contemplate a reference under Section 36A to be an 'industrial dispute'; and, (ii) that when an 'industrial dispute' is referred under Section 10, an award is made, which is published under Section 17, and, such an award becomes enforceable, as provided by Section 17A of the Act, on the expiry of 30 days from the date of its publication under Section 17, and, thereafter, as prescribed by Section 20(3) proceeding before the Tribunal on such reference shall be deemed to have concluded on the date on which the award becomes enforceable under Section 17A. It was urged, accordingly, that, in the present case also, the award in the original reference, in which the Coal Award was given, and for the interpretation of some provisions of which, the reference under Section 36A was made in Reference No. 27 of 1960, having been published on 26th April, 1956 and it having become enforceable under Section 17A, the proceedings in the said reference before the Tribunal concluded by virtue of Section 20(3) on the date the award became enforceable under Section 17A, and, as such, thereafter, no industrial dispute remained which could make the reference under Section 36A an 'industrial dispute'. In my opinion, the above contentions are not sound, and, therefore, they cannot be accepted as correct for the reasons given below."

"15. It should be remembered that when an 'industrial dispute' exists or is apprehended, it is referred under Section 10 or Section 10A, as the case may be, and, such dispute is resolved by an award. But the occasion for making a reference under Section 36A arises only after the award has become enforceable under Section 17A and when the proceeding before the Tribunal on the original reference resulting in the award has concluded under Section 20(3), and only when difficulty or doubt arises in interpreting any portion of the said award. It cannot be said that with the making of the award the 'industrial dispute' ends, and, thereafter, there can be no 'industrial dispute' between the employers and their workmen within the meaning of Section 2(k) in any case at all. Section 36A

itself contemplates such a dispute, which arises after the award and after the proceedings before the Tribunal on the original reference resulting in the award concluded under section 20(3). It should be borne in mind that a reference under Section 10 or Section 10A is made at the *pre-award* stage, but an occasion for a reference under Section 36A arises at the *post-award* stage. The two stages are different and contemplate two different situation and circumstances, and, therefore, it cannot be inferred therefrom that because an industrial dispute referred under Section 10 or 10A ends with the publication of the award therein, there cannot be any industrial dispute thereafter between the employers and their workmen at all, and that if such a dispute arises it cannot be an 'industrial dispute'. For deciding the question, whether a reference under Section 36A is an 'industrial dispute', within the meaning of Section 2(k), in my opinion, Sections 10, 10A, 17, 17A or 20(3) are irrelevant."

"16. For the reasons given above, my considered opinion is that a reference under Section 36A is an 'industrial dispute' within the meaning of Section 2(k) of the Act. I, therefore, over-rule the first objection of Shri Ghosh."

11. On behalf of the workmen, reliance was placed on my aforesaid decision and also on its written argument filed today i.e. 6th April, 1963. In the written arguments, the point made by the Union was that even if a reference is made under Section 36A, a complaint under Section 33A of the Act is maintainable. It would be useful to reproduce a portion of the written argument, as the Officer of the Union, who filed this written argument, did not make any oral submission, but, simply filed it and relied on it. The relevant portion of the said written argument is as below:

"In our opinion any reference under Section 36A of Industrial Disputes Act is basically to settle a dispute and promote a settlement between the employees and management, which is not different from any reference under Section 10A of the I.D. Act."

"One has to see whether the characteristics of the disputes are there. Lack of agreement on any issue or in any point between the workmen and management is a dispute. It may be of any type even regarding interpretation. Nobody has laid down what are disputes and what are not disputes. So this difference of opinion between labour and management of Girimint Colliery regarding Conveyor Loader is to be regarded as a dispute. So, it attracts the provisions of Section 33 and 33A of the I.D. Act."

"We hold that as there was a dispute between the Conveyors Loader of the Girimint Colliery and the management and these three workmen were con-loaders and party to the dispute, Section 33A is applicable here. The management violated Section 33 of I.D. Act by not taking permission from the Tribunal."

"A dispute, may be just to interpret something, nevertheless is a dispute, which was pending before the Hon'ble Tribunal and Section 33 and 33A I.D. Act are applicable. If Section 33 and 33A I.D. Act are attracted during the pendency of or during conciliation proceedings, it is absurd even to suggest that even though there is a reference pending before Tribunal, as it is under Section 36A, I.D. Act, no Sections 33 and 33A are applicable."

12. If the question whether a reference under Section 36A of the Act is an industrial dispute or not would have been at large and not concluded by the above-mentioned decision of the Patna High Court, which is binding on me, certainly I would have adhered to the same opinion which I expressed in the aforesaid complaints. But when now there is a decision of the Patna High Court, to the Writ Jurisdiction of which this Tribunal is subordinate, that decision is binding on it, and, therefore, that must be followed.

13. Accordingly, in view of the above-mentioned decision of the Patna High Court, holding that a reference under Section 36A of the Act is not an industrial dispute as defined in the Act, and, that, therefore, a complaint under Section 33A of the Act complaining of infringement of Section 33 of the Act is not maintainable, these three complaints must be dismissed as not maintainable.

14. This is my award which I make and submit to the Central Government under Section 15 of the Act.

DHANBAD,

(Sd.) RAJ KISHORE PRASAD,

Dated, the 6th April, 1963.

Presiding Officer,
Central Government Industrial Tribunal, Dhanbad.
[No. 8/133/62-LRII.]

S.O. 1722.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Bhilai Steel Project of Hindustan Steel Limited and their workmen employer in Rajhara, Nandini and Hirri Mines.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT
BOMBAY**

REFERENCE No. CGIT-27 of 1962

Employers in relation to the Bhilai Steel Project of Hindustan Steel Limited

AND

Their workmen employed in Rajhara, Nandini and Hirri Mines.

PRESENT:

Shri Salim M. Merchant. *Presiding Officer.*

APPEARANCES:

For the employers:—Shri R. P. Mishra, Personnel Manager with Shri A. C. Bhatla, Financial Adviser and instructed by Shri S. J. Mathew Tharakan, Law Officer and Shri P. Mazumdar, Senior Personnel and Welfare Officer and Shri K. Syama Rao, Assistant Accounts Officer.

For the workmen:—Shri K. B. Chougule with Shri P. K. Sen Gupta representing the Steel Workers' Union, Bhilai, Shri S. D. Mukherjee and Shri Prakash Roy, President and Secretary respectively of the Samyukta Khadan Mazdoor Sangh, Rajnandgaon, M.P.

INDUSTRY: Lime-Stone and Iron-Ore-Mining.

STATE: Madhya Pradesh.

Bombay, dated 1st June, 1963

AWARD

The Central Government, by the Ministry of Labour and Employment's Order No. 23/22/62-LRII, dated 4th August 1962, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), was pleased to refer the industrial dispute between the parties above-named, in respect of the subject-matter specified in the following Schedule to the said Order, to me for adjudication:—

SCHEDULE

“Whether the management is justified in restricting the payment of production bonus to certain selected categories of workmen, and, if not what relief the workmen who have been excluded from the payment of such bonus are entitled to?”

2. After the reference was made, the Samyukta Khadan Mazdoor Sangh (hereinafter referred to as the Sangh) filed its written statement dated 3rd September 1962 and thereafter the company filed its written statement dated 12th September 1962. After obtaining extension of time, the Steel Workers' Union, Bhilai (hereinafter referred to as the Union), filed its written statement dated 9th October 1962. The union had by its application, dated 29th August 1962, applied for inspection and hearing of the dispute at Bhilai, but the company objected to this by its written statement dated 3rd October 1962.

3. At the preliminary hearing of the dispute at Bombay on 26th November 1962, directions were given to the parties to file their statements of categories of workers who had been excluded from the payment of production bonus and for whom production bonus was claimed by the union. The Sangh filed its statement of excluded categories on 6th December 1962, and the Union on 27th December 1962, and the company as directed by me, filed its statement on 5th January 1963, of categories of workmen which admittedly were engaged on production work but were not paid production bonus. At the hearing on 22nd January 1963, however, the company filed an amended statement stating that it had in its said statement, dated 5th January 1963, wrongly included 311 workmen, and prayed that they should be excluded from that list. According to the company's amended statement there were in all 1,850 workmen who are not paid production bonus though they are admittedly working on the production side. Thereafter, the Sangh filed a rejoinder statement, dated 24th January 1963. Later, by consent of

the parties, this Tribunal, accompanied by representatives of the Union and the Sangh inspected the Nandini Lime-stone Mines on 4th March 1963 and the Rajhara Iron-ore Mines on 5th March 1963, and then heard the submissions of the representatives of the parties. The dispute was also heard at Bhilai on 6th and 7th of March 1963, when it was adjourned to 25th March 1963, and the hearing concluded at Bhilai on 27th March 1963.

4 The demand in dispute relates to payment of production bonus to the excluded categories of employees in the Company's lime-stone mines at Nandini and its iron-ore mines at Rajhara and its Dolomite Mines at Hirri. These three mines are worked by the Bhilai Steel Plant, which belongs to the Hindustan Steel Ltd.

5. The history of this dispute appears to be as follows:—

The Union, which is a representative union for the steel industry, by its letter dated 28th December 1961 gave a notice of change under section 31(2) of the Madhya Pradesh Industrial Relations Act, 1961, and *inter alia* demanded the introduction of a production bonus scheme. Consequent upon this notice, negotiations ensued between the company and the union and eventually a settlement was arrived at. A memorandum of agreement under section 33 of the Madhya Pradesh Industrial Relations Act, 1961, was entered into between the company and the Union by which it was agreed that the company would introduce a bonus scheme for its workers in the steel plant as detailed in the Appendix to that agreement and that it would be effective from 1st December 1961 and remain in force for 2 years. The agreement, *inter alia*, provided that the bonus scheme would be subject to revision and suitable modification in the light of experience gained in its practical working from time to time. The agreement further provided that any change, modification or interpretation of the scheme would be made in consultation with the representative union. The company has attached a copy of this agreement as exhibit No. 2 and a copy of the bonus scheme at its steel plant as exhibit No. 3 to its written statement. This bonus scheme, it is pertinent to note, applied only to those workmen of the Steel Plant who were engaged on the technological side and who were concerned in the actual production. The scheme also lays down the quantum of production bonus payable to different categories of workmen employed at the plant. The scheme provided that as production improved and went beyond the normal out-turn, the workmen, concerned in such production, would receive a proportionate benefit in the shape of production bonus.

6. Having introduced a production bonus scheme at the steel plant, the management considered the introduction of a similar bonus scheme for the workers employed at its mines, who were also engaged in production. It was, in these circumstances that the company, of its own accord and without any demand from the workers, introduced a production bonus scheme called the "H.S.L. Mines Bonus Scheme", and the bonus scheme was introduced by the General Manager's Order No. 132, dated 28th December 1961 (see page 43 to the company's written statement). The announcement of the introduction of the bonus scheme was made by the General Manager of the steel company by his Circular, dated 31st December 1961, addressed to all the employees of the Bhilai Steel Works. The said Circular was as follows:

To the Employees of Bhilai Steel Works.

Bhilai,
31st December, 1962.

Dear Friends,

You sincere work and efforts have led Bhilai to a position of admiration and pride.

On this New Year's Eve, I have the greatest pleasure in informing you all that the Management, in appreciation of what you have done, has been pleased to introduce a Bonus Scheme to encourage you further in your efforts towards progress. The first fruit of this Bonus Scheme will be yours with the first pay drawn in the New Year.

I am confident that you will progress further and further and produce more and more not only to take full advantage of this Bonus Scheme, but were so to make your contribution in the building up of our nation.

I WISH YOU ALL AND YOUR FAMILIES A VERY HAPPY AND PROSPEROUS NEW YEAR.

Sd./ SUKU SEN,
General Manager.

7. The Mines Bonus Scheme also took effect from 1st December 1961, and was to remain effective for a period of two years. The scheme is an elaborate one providing for different norms and different quantum of production bonus to be paid thereunder to different categories of workmen.

8. It appears that the present dispute was raised by the Sangh by its letter, dated 13th December 1962, addressed to the Regional Labour Commissioner, Jabalpur. The Sangh demanded that the scheme should be made applicable to all employees and it evidently was then confusing a Production Bonus Scheme with profit-sharing bonus, because it stated that the bonus scheme introduced by the company was defective and against the "Full Bench Formula". The Sangh also served a notice, dated 16th April 1962, threatening that the workers would go on strike on 1st May 1962, unless their demand was considered (see exhibit 5 to the company's written statement). Conciliation proceedings were held, but ended in failure and the Conciliation Officer submitted his Failure Report, dated 30th April 1962 (see annexure VI to the company's statement).

9. It appears that the Union by its letter dated 9th May 1962, also raised a similar dispute, demanding payment of production bonus to all the employees at the mines. Conciliation proceedings were held on 18th May 1962, but ended in failure, and the Conciliation Officer therefore submitted his Failure Report, dated 22nd May 1962 (exhibit No. 7). Thereafter, Government was pleased to make this reference by its Order, dated 4th August 1962, as stated earlier.

10. The Sangh, in its written statement, dated 3rd September 1962, has relied upon the General Manager's Circular, dated 31st December 1961, reproduced earlier, and it has argued that under that circular all employees were entitled to receive the benefit of the bonus scheme, with their first pay draws in 1962 i.e. with effect from 1st December 1961. The Sangh's grievance is that the company had discriminated against various categories of employees by denying them this benefit and it has argued that once a production bonus scheme was introduced, it was not open to the management to restrict that payment to a selected category of workmen. It was argued that as the payment of bonus is allied with the production of ores at the mines, it is in the nature of production bonus. It has specified 11 categories of workmen which, according to it, the management had wrongly excluded from the payment of bonus. It has further submitted that under the company's bonus scheme, the management had wrongly arrogated to itself the right to decide whether a particular category is qualified for bonus or not and the right to modify, alter, suspend or revoke the payment of production bonus, as also to revise production targets at any time and in any manner without assigning any reasons. It is stated that this power of the management is arbitrary, discriminatory and one which was fraught with dangerous consequences. The union has vehemently objected to the management's decision to completely exclude the workmen who were borne on works-charged and nominal muster roll staff. It has stated that the workmen borne on work-charged and nominal muster roll (N.M.R.) also do production work and that most of them had been in the service of the company for a long number of years. It is also pointed out that the indiscriminate manner in which the bonus scheme was implemented had resulted in workmen, such as shovel operators, loco operators or churn drill operators who are borne on the regular establishment getting production bonus whilst their colleagues doing the same jobs at the same place but whose names are borne on the works-charged, irrespective of the length of their services, are denied the payment of production bonus. The Sangh has submitted that in so doing, the management had failed to give effect to the object and purpose for which the production bonus scheme was introduced, viz., that it was an incentive for higher production and higher wages. It has submitted that the work in the mines is a continuous chain where one unit is dependent on the other and that the chain will not move if there is dislocation at a single point. It has argued that in these circumstances it is immaterial whether the workman is borne on regular work charged or on N.M.R. list. The Sangh has submitted that each of the category of the workmen excluded by the management from the benefit of production bonus is directly or indirectly connected with the chain of production and that even those who are indirectly connected can retard the progress of production. It has urged that functional inter-dependence of the various units is the key-note of the process of production in mines and it was a mistake to say that production achieved in a unit is a sole and independent action of workmen of that unit only. It has stated that, "a truck driver, a clerk, a peon and a time-keeper checker, a store-keeper, a chemist or a chowkidar will participate in contributing to the production of the ore and thus create utilities or values". It has in support of this demand relied upon extracts from a statement made by the General Manager of the Bhilal Steel Plant and the statement regarding the progress of work and increase in production

at the Bhilai Steel Plant. It has argued that in view of those observations it was not just and proper for the management to exclude several categories from participation in production bonus, and that such exclusion had created frustration and demoralisation among the vast sections of the workers. It has, therefore, urged that (1) restriction on the payment of production bonus to various categories in Rajhara, Nandini and Hirri mines should be removed (2) that the different rates and quantum of production bonus fixed for certain categories should be removed (3) that this benefit should be granted to all workmen with effect from 1st December 1961 and (4) restrictions should be placed on the management to decide disputes arising out of this award.

11. In its brief written statement, dated 9th October 1962, the Union has stated that after the General Manager had announced the introduction of the production bonus scheme with effect from 1st December 1961, it was found that the scheme benefited very few categories of workers and that the majority of the workers had been left out; that this had created great discontent particularly as some workers performing the same job were allowed the benefit of the production bonus scheme whilst others also doing the same job were denied the benefit. The union has protested against the management keeping a large number of workers on casual and temporary rolls as work-charged employees. It has pointed out that most of such workers had been employed for the last four years and more and were not engaged on jobs of casual or temporary nature. The union has submitted that these work-charged and N.M.R. employees were working on the same jobs and that they were contributing to production same as the permanent employees and that it was manifestly unfair that they should be excluded from the payment of production bonus. It has also stated that apart from the work-charged and nominal muster roll employees, many other categories of workers in the mines had been arbitrarily and unjustifiably excluded by the management. It has submitted that these workers though excluded by the management are directly or indirectly engaged on the work of production. It has further submitted that production depends upon the team-work of all employees, supervisory, clerical, manual or technical whether engaged on permanent, casual or temporary basis and it has stated that debarring the workers from receiving the benefit of their extra work leads not only to discontent but also dampens the enthusiasm of the workers for higher production. It is argued that the management's contention that it had excluded only such workmen from receiving the production bonus who were not engaged on production side was not correct and that in fact all those workers who had been excluded are engaged in production work. The union has, therefore, prayed that the management be directed to pay production bonus to all the employees engaged in their mines on technical, clerical, supervisory and manual jobs on permanent, temporary, casual or in any other basis of employment and that they should be granted the production bonus with effect from 1st December, 1961.

12. The company in its written statement dated 12th September 1962, has stated that the Hindustan Steel Limited is a public limited company registered under the provisions of the Companies Act, 1956, that the capital of the company is Rs. 600 crores, divided into 60,00,000 Equity Shares of As. 1,000 each, that the entire share capital in the company is held by the Government of India in the name of the President and consequently the company is functioning in the public sector which has its registered office and head quarters at Ranchi; that the company engages in production of pig iron and steel and has mines which work for supply of raw materials at various places for the project; that the company's main plants or projects are at (1) Bhilai, Madhya Pradesh, (2) Rourkela, Orissa and (3) Durgapur, West Bengal. It is stated that of the three mines of the company mentioned in the order of reference the one at Rajhara is an iron-ore mine; the one at Nandini is a lime-stone mine and the one at Hirri is a dolomite mine. The company has stated that the wages and dearness allowance as now paid to the workers are adequate and satisfactory and that in addition the workmen were being given several monetary and other benefits and it has annexed a list of such benefits in a statement marked exhibit No. 1 at page 11 of its written statement. The benefits include (1) payment of mine allowance to all the regular, operational, constructional and work-charged staff at 12½ per cent of the basic wages plus dearness allowance (2) free medical facilities to all employees (including N.M.R. and work-charged) and their families (3) free education to the employees' children upto the age of 14 years (4) free midday meals and 4 sets of uniforms every year for the children of each employee (5) cheap canteen (6) transport facilities at very nominal charges (7) airy and ventilated quarters with sanitary baths and latrine, with electricity on rental basis as per government rules.

13. The company in giving the history of the dispute has stated that the union, being a representative union for the steel industry by its notice of change dated 21st December 1961, under section 31(2) of the M.P. Industrial Relations Act, 1961, had demanded the introduction of a production bonus scheme; that as a result of that notice negotiations ensued between the parties and eventually a settlement was reached under which an collaborate production bonus scheme was drawn up. The company has stated that this settlement was only in respect of workmen employed on the production side at the plant (as distinguished from the workmen employed in the mines). It has annexed a copy of the Memorandum of Agreement as annexure No. 2 to its written statement to which an Appendix has been added containing the production bonus scheme (exhibit No. 3). The company has emphasised that under the production bonus scheme, "only those workmen engaged on the technological side and concerned in the actual production, alone are covered by the scheme. This scheme also lays down the norms and quantum of production bonus payable to different categories of workmen at the plant". It is pointed out that under the scheme the emphasis is on production and the underlying idea of the scheme was that if production improved beyond the normal output, the workmen concerned in such production should receive a proportionate benefit in the shape of production bonus. This, according to the company, negated the idea of any workman receiving any benefit under the scheme unless he is directly connected with and contributes to enhanced production. The company has stated that having introduced a production bonus scheme for the workmen at the steel plant, the management, out of fairness to the workmen thought of introducing a similar bonus scheme for the workers employed at the mines, who were directly engaged in production and it was in these circumstances that the company of its own accord and without even any demand from the workers introduced a production bonus scheme called the "H.S.L. Mines' Bonus Scheme". It is further stated that this scheme was announced by the General Manager on 31st December 1961 by the circular above referred to. The management has annexed a copy of its Mines Bonus Scheme, as Annexure 4 to its written statement, and it has stated that this scheme also came into force from 1st December 1961. It has urged that the scheme is an elaborate one providing for different norms and different quantum of production bonus to be paid thereunder to different categories of workmen; that the perusal of the scheme makes it clear that the non-technical staff and casual workers are not covered by it. The management has submitted that it was evident from both the production bonus schemes at the plant and mines that the management expected that a worker after fulfilling his norms would be able to produce more with superior technology and added efforts within the normal time.

14. Referring to the conciliation proceedings, the management has stated that it was then stated on behalf of the company that the production bonus scheme was in the nature of an incentive to those workmen employed essentially for production and there was neither any justification nor scope for payment of production bonus to the employees who had nothing to do with the production; that the workmen who were not on the permanent pay roll could not claim production bonus because such bonus could only be earned after an employee had gained sufficient experience which could only be gained after he was made permanent. The company urged before the Conciliator that N.M.R. (who are daily paid) and the works-charged employees (those employed temporarily but for a specific job and paid on monthly basis) were not included in the said scheme as they had not acquired the technological capacity and knowledge to give the minimum output; that in view of the company's established policy of absorbing N.M.R. and works-charged employees into permanent posts there was no justification for extending the benefit of the production bonus scheme to such workmen until they were made permanent.

15. In paragraph 14 of its written statement, the company had raised the preliminary objection that in view of the agreement dated 25th December 1961, which was binding on all workmen, whether employed at the plant or at the mines, it was not open to the workmen concerned to raise any dispute during the pendency of the said agreement with regard to the production bonus. The company had urged that as long as that agreement was in force, no industrial dispute with regard to a demand for production bonus could be raised and that, therefore, any reference by the Government of such an industrial dispute for adjudication to an industrial tribunal was ultra vires. But I may say that this objection was given up at the hearing and no argument was urged at all in support thereof. I may, however, point out that this contention would have no substance as the agreement was entered into by the union on behalf of the workers at the steel plant whilst this dispute is with regard to the payment of production bonus for the workers at the mines, where, besides the union, the sangh also has raised this dispute. It

may be pointed out that the sangh was not a party to any agreement with the management relating to payment of production bonus to the workmen at the plant or the mines.

16. The company's contention is that the production bonus scheme as its very name suggests is applicable to one only workmen defined under the scheme who are actually and actively engaged in production and is meant to compensate those workmen who by their technical skill and manual efforts increase production and directly contribute thereto. It was contended that it would be erroneous for the employees who are on non-technical side and who are not directly connected with or contribute to higher production to claim production bonus; that it would be erroneous for them to contend that because production has gone up due to the efforts of the employees engaged on the production side their work had also consequently increased. It was further argued that, assuming without admitting, if the work of such employees increases then they could be compensated only if they were required to work over-time. The company has further contended that in the nature of things no norms could be laid down for the out-turn of work done by the employees not engaged on the production side, and therefore, there could be no scope for extending the production bonus scheme to such employees. It has argued that it employs clerks, peons, daftaries in its office; teachers for its schools; compounders, ward-boys and sweepers for its hospital, who do not contribute at all to production and it would be unfair not only to the company but also to certain other categories of workmen, if production bonus is paid to these categories merely because the production of the company goes up due to the efforts and skill of those working on the production side. The company has argued that in the agreement dated 25th December, 1961, entered into between the management and the union, the union had conceded that several categories of workmen were not entitled to payment of production bonus and having in principle thus conceded that those workmen were not on the actual production side, it could not now demand that the excluded categories should also be paid production bonus. It has contended that the company having of its own accord and its own initiative introduced an incentive or production bonus scheme for the employees at the mines who were employed on the production side in order to do justice to those workmen, it could not now be asked to carry the burden of payment of bonus to other categories of employees who are in no way concerned with the rise or fall in production. It has denied that there had been discrimination on the part of the management in payment of production bonus which has resulted in disharmony and discontentment and it has pointed out that in fact production has not gone down but had in fact increased and that there was no discontentment. The company, in conclusion, has contended that it functions in the public sector and that being a semi-government body it should not be called upon to fritter away its profits and resources. It has further urged that the company has to conserve all its resources because the Bhilai Steel Projects and its mines are being developed with foreign economic aid which has to be repaid with interest and this can be done only from the profits which the company may earn and preserve; that the company has to undertake expansion programmes which involve a huge capital out-lay which has either to be raised in India or to be borrowed from foreign countries and if it were to fritter away its resources and profits it would not be able to raise capital or expect countries to advance loans; that the company at present has huge liabilities and heavy debts which are constantly mounting and it is, therefore, submitted that no additional financial burden should be placed upon it which would hamper its activities at a time when the company is making attempts to establish itself. It has further urged that a demand for payment of production bonus to all categories of employees irrespective of the actual work done is an attempt indirectly to increase wages, by-passing well-established principles of wage structure. It has further urged that introduction of a production bonus scheme is entirely a managerial function which cannot be made a subject-matter of industrial dispute.

17. It will thus be seen that in all these mines only certain categories of workmen, who, according to the company, are directly employed on production work are being paid production bonus. Now, under the terms of reference, the question that has to be determined is whether this action of the management in restricting the payment of production bonus to certain selected categories of workmen is justified and, if not, what relief the workmen who have been excluded from the payment of such bonus are entitled to.

18. Both the unions in their written statements and in their submissions before me have urged that all categories of workmen employed in the two mines should be paid production bonus. They have stated that the management is not justified in

restricting the payment of production bonus to certain limited categories, of these who are directly working on the production side; that the management is not justified in excluding the works-charged and the N.M.R. employees who are admittedly employed in production work. Both the unions in support of this have relied upon several decisions of industrial tribunals and of the Supreme Court and I would at this stage like to analyse the judgements of the Supreme Court on the question of payment of production bonus.

19. In the case of the Titaghur Paper Mills Ltd., vs., its workmen (1950 II L.L.J. p. 9), the Hon'ble Supreme Court, considered the question what production bonus essentially is. Their Lordships held that payment of production bonus depends upon production and is in addition to wages; that in effect it is an incentive to higher production and is in the nature of an incentive wage. Their Lordships observed:

"Therefore, generally speaking, payment of production bonus is nothing more or less than payment of further amoluments depending upon production as an incentive to the workmen to put in more than the standard performance".

In that case Their Lordships rejected the contention of the employers, which was based on a judgement of the Labour Appellate Tribunal in the case of Shalimar Rope Works Mazdoor Union vs., Shalimar Rope Works Ltd., Shalimar, Howrah (1956 II L.L.J. p. 371), that industrial tribunals cannot enforce a Production Bonus Scheme and held that where a scheme of production bonus was already in force a tribunal has jurisdiction under section 15 of the Industrial Disputes Act to deal with it. Their Lordships further held that under the provisions of the Industrial Disputes Act, an Industrial Tribunal has jurisdiction to deal with a scheme of production bonus which has been introduced in the company and which was in force at all material times. Their Lordships also rejected the employers contention that where production bonus scheme is in force its terms cannot be varied by a tribunal and any variation can only be an outcome of agreement between the employer and the employees because initiation or introduction of such a scheme is what may be called a management function. Their Lordships in rejecting this contention observed that where a production bonus scheme is in force and has become a term of employment, there is no reason why the tribunal should not have the power to vary its terms, if circumstances justify. Their Lordships in this connection observed:

"Therefore, even assuming that the initiation of a production bonus scheme is an exclusive management function and that the final decision with respect to its introduction rests initially with the management, the right of the tribunal to take into consideration such an initiative scheme (which has become a term of employment) and to revise it cannot for a moment be doubted under the Act. It is also true that the tribunal could only make a change in the rates for good and sufficient reason but there can be no doubt that the tribunal has jurisdiction under the Act to take into consideration a production bonus scheme which has been introduced and is in operation and in proper cases to revise it, and if necessary to change rates and other conditions on which such bonus is payable."

20. Their Lordships, however, observed that the tribunal will interfere with an existing production bonus scheme and revise it after it had been initiated by the management, only for good and cogent reason such as material change in method, product, tools, materials, design or production conditions or the saving labour costs and the like, maintaining as far as possible the established relationship between earning and effort and avoiding rates which give results out of all proportion to the basic wages. Their Lordships also drew a clear distinction between production bonus and profit-sharing bonus and observed that the nature of production bonus was entirely different from the nature of profit-sharing bonus and under the Full Bench Formula, and observed that there is no reason to hold that whereas there is available surplus profit according to the Full Bench Formula the workmen should not get profit bonus in accordance with that formula in addition to production bonus. Their Lordships observed that the two bonuses are different. One is a supplementary emolument worked out on certain basis linked with production and that under the Full Bench Formula what the workmen get is something out of the profit if there is available surplus, on the ground that both labour and capital contributed to the accrual of profits and it is only fair that the labour should get a part of it.

21. In the case of *Burn & Co. Ltd. (Howrah Iron Works)* and their employees (1960 II L.L.J. p. 261), the facts were that the company was having an incentive bonus scheme for its manual workers including the *sirkars* and checkers of its iron works. The clerical and subordinate staff employed by the company also demanded an incentive bonus scheme. The industrial tribunal that dealt with the industrial dispute introduced an incentive bonus scheme for the benefit of the concerned workmen. It was contended on behalf of the company in appeal before the Supreme Court, firstly that the concerned workmen do not contributed anything to the production; secondly, that the clerical staff are paid dearness allowance at a rate higher than the manual workmen and therefore would not be entitled to production bonus and thirdly, that the introduction of an incentive bonus scheme is a management function. Negating these contentions the Hon'ble Supreme Court held that it would be difficult to accept that there would be no increase in the work of the clerical staff, in particular, and of the subordinate staff because of higher production, though it can be accepted that the increase may not be in proportion to the increase of production. Dealing with the question of payment of production bonus to clerical and subordinate staff, His Lordship, Manchoo, J., who delivered the judgement of the court, observed as follows:

"But there can be no doubt that economically speaking the clerical staff and the subordinate staff also take part in the production and there is no reason therefore for excluding them altogether from the scheme of incentive bonus. Besides, as the Tribunal has pointed out, in other comparable concerns incentive bonus is being paid to the clerical and subordinate staff. The fact that dearness allowance was paid to the clerical staff at a higher scale is also, in our opinion, no reason for depriving them altogether of the benefits of the incentive bonus scheme".

22. Their Lordships following their decision in the case of *Titaghur Paper Mills Co. Ltd., vs. its workmen* (1959 II L.L.J. p. 9), also rejected the company's third contention that the introduction of incentive bonus scheme was a management function and the tribunal should not impose it on the management. Their Lordships further observed that where an incentive bonus scheme is in force in a concern for the majority of its workmen, there is no reason why the industrial tribunal should not be able to extend the same to the remained of the workmen.

23. In the case of *Indian Iron & Steel Co. Ltd., and their workmen and another* (1962 II L.L.J. p. 752) the Hon'ble Supreme Court held that in cases where the management had introduced a scheme for grant of production bonus it was open to the industrial tribunal to vary the terms of the scheme, if the circumstances of the case justify its doing so. The tribunal in such cases should remember that though it has the power to vary an existing scheme and, therefore, also the targets provided therein, it could not do so lightly; that primarily it is the function of the employer to introduce and to revise the targets. No doubt in doing so, the management must consult the workmen concerned but where all that had been done and the revised targets are the result of the agreement between the management and the workmen, there must be good reasons for revising the targets. Their Lordships further stated that a scheme already in force should not be interfered with by the industrial tribunal unless it comes to the definite conclusion that the targets fixed are so high that an average workmen with ordinary efficiency can earn only the daily wages and nothing more. Dealing with the claim of labour that the clerical and subordinate staff should also be entitled to payment of bonus because they also contribute towards its production. Their Lordships held that from the point of view of economics, the clerical and subordinate staff in an industry, like the manual workers, contribute towards its production and there could, therefore, be no reason for excluding the clerical and watch and ward staff wholly from the benefit of a claim of incentive bonus. In such cases, the tribunal should ascertain whether in view of the increased production there has been a rise in the work-load of non-productive workmen. If it finds that the work-load has been increased they should be entitled to incentive bonus. On this point, Their Lordships approved of the observations in the earlier case of *Burn & Co. (Howrah Iron Works)* and their employees (1960 II L.L.J. p. 261).

24. Relying mainly upon these observations of the Hon'ble Supreme Court in the case of *Titaghur Paper Mills* and in the case of *Burn & Co. Ltd. (Howrah Iron Works)*, the two unions have pressed the claim for payment of production bonus for the clerical, subordinate and other staff who are admittedly not engaged in direct production work.

25. I should, therefore, first like to deal with the demand with regard to the payment of production bonus to the categories of workmen such as clerks, subordinate staff and others, who, admittedly are not engaged in direct production work.

The management in opposing the demand for production bonus for these workmen has argued that the bonus scheme introduced in the mines is an adaptation of the bonus scheme as introduced in the steel plant at Bhilai; that the same bonus scheme as introduced at the Bhilai Steel Plant had been introduced in the other two steel plants of Hindustan Steel Ltd., viz., Rourkela and Durgapur and their mines; that even in the steel plant mainly those workmen directly connected with production work are entitled to production bonus. In the steel plant also the bonus scheme did not include departments such as Stores Dept., Finance Dept., Construction Dept., Water Works Dept., Industrial Relations Dept., Security Dept., etc. These departments were excluded because they were outside the plant. Under the production bonus scheme as applicable to the steel plant, the various departments and sections in the steel plant have been, for the purposes of the bonus scheme, grouped into following three groups which are stated under Rule 4 viz. (1) production group consisting of production department as detailed in Annexure I (2) maintenance group, consisting of attached maintenance as detailed in Annexure II (3) service group consisting of centralised maintenance and service departments as detailed in Annexure III and (4) general group consisting of certain general departments/sections as detailed in Annexure IV. However, at the very beginning, the scheme enumerates those who are to be excluded from the benefit of the bonus scheme and they are enumerated under the heading 'exceptions' under Rule 1(b). The exceptions provided are (i) all non-technical officers and clerical office staff working in the office attached to the departments included under the groups (ii) apprentices and trainees, excepting those who are regular employees on production in not less than a calendar month (iii) employees working in departments/sections not yet commissioned and till they are commissioned (iv) casual employees who are engaged on daily wages for employment on work of a casual or occasional nature (v) employees' whose pay and allowances are charged to the estimates of any particular work (vi) any other employees who may by special or general order be excluded from the purview of the scheme. A note below the exceptions provided that in the event of any question arising as to whether a particular rank is equivalent to a rank qualifying for bonus or not or whether an employee is included or excluded from the scheme, the decision of the management shall be final and binding. I may here mention that the percentage or rate of bonus payable to the employees of the various groups also varies.

26. Now, the Mines Bonus Scheme provides for three groups, viz. (1) the production group, consisting of production department as detailed in annexure for each mine (2) service group consisting of maintenance and service departments as detailed in annexure for each mine and (3) general group consisting of certain general departments/sections as detailed in annexure for each mine. I may further state that the exceptions in respect of the mines under Rule 1(b) are the same as for the steel plant except that there is one additional exception, viz. those employees in the mines who work in the town-ship. I may state that as already shown above employees who are engaged on daily wages for employment on work of a casual or occasional nature (N.M.R.) and employees whose pay and allowances are charged to the estimates of any particular work i.e. work-charged employees under the Mines Bonus Scheme, fall within the excluded categories and are not entitled to the payment of production bonus. It is admitted that even certain categories engaged on the production side in the plant itself are excluded from the payment of production bonus. The Mines Bonus Scheme, being an adaptation of the Plant Scheme, there also certain similar categories are excluded. Shri Mishra, on behalf of the management, stated that the question whether the production bonus scheme should be extended and if so to what extent and to what percentage of workmen of the excluded categories in the mines, was under the consideration of the management. He stated that when other categories in the plant come under the purview of the production bonus scheme, the management would extend the same benefit to like categories in the mines.

27. I am inclined to agree with the submission of Shri Mishra that if the categories not included by the bonus scheme at the steel plant are included in the bonus scheme at the mines, serious repercussions may occur not only in the Bhilai plant but also in the other two steel plants of the company and their mines. The Hon'ble Supreme Court in the case of Indian Iron & Steel Co. Ltd. and their workmen (1962 II LLJ. p. 572) has cautioned that primarily it is the function of the employers to revise an existing bonus scheme and that a scheme in force should not be lightly interfered with by industrial tribunals. It has to be remembered that the production bonus scheme at the plant was introduced as a result of an agreement between the company and the representative union at the steel plant, viz., the Steel Workers' Union, reached under the provisions of the Madhya Pradesh Industrial Relations Act, and that the same scheme was voluntarily extended

to the mines. I may state that even though theoretically the clerical and other staff not actually engaged in production may have a claim for production bonus, neither the union nor the Sangh has led any evidence to show the extent of their contribution to production, nor has it suggested any scheme of the norms on which the payment of production bonus for these categories of workman could be worked out. There has been a general statement that there has been some increase in the work-load of the clerical staff as a result of a general increase in the production at the mines, but neither union has led any evidence, either oral or documentary, to show to what extent there has been a rise in the work-load of these categories of workmen. The management's reply to this was that there had been an increase in the clerical and other staff. The union has also not been able to establish that other steel works are paying any such production bonus to their clerical and other staff or those not engaged on actual production at the mines. What is more, the union has not shown that it would be within the capacity of the company to bear the impact of the financial burden of the payment of production bonus to these categories of workmen. Both the unions have referred to a press report regarding the profit of Rs. 9.58 crores made by Hindustan Steel Ltd. during 1961-62. The same report states that the Bhilai Steel Plant made a profit of Rs. 6.61 crores, but Shri Mishra for the company stated that this report did not present the correct financial position and that after making proper provision for depreciation the working of the Bhilai Plant for the year 1961-62, it could not be said to have earned a profit. According to him after adequate provision for depreciation the working of the Bhilai Plant for 1961-62, would have shown a loss of Rs. 3.80 crores.

28. It has to be remembered that both at Rajhara and at Nandini the company employs a large number of workmen who are not directly connected with the production and no attempt has been made by either union to work out what would be the burden of payment of production bonus to these workmen. As stated earlier neither union has attempted to formulate a workable scheme of production bonus which could be applied to the clerical and other staff. I am, therefore, not satisfied that the unions have made out a case for the payment of production bonus for the clerical and other staff who are excluded from payment of production bonus under the company's Mines Bonus Scheme.

29. I now turn to those categories of workmen who are actually engaged in production work but who are excluded from payment of production bonus. I directed the company to give me a statement showing the number of workmen at the Rajhara, Nandini and Hirri mines, who are admittedly engaged on production work but who are excluded from the payment of production bonus. The Law Officer of the company, Shri C. J. Mathew Tharakan, has submitted a statement dated 5th January 1963, showing the number of workers of different categories who are admittedly employed directly on production work, but who are not paid production bonus. This statement showed their total number to be 2161. The workmen in each of the three mines have been divided into two categories, viz, those who are work-charged and those who are placed on the nominal muster roll. With regard to each of the mines, the workers have been further divided into those engaged on production work on the mechanised zone and the manual zone. Later, the company by an application dated 22nd January 1963, stated that by inadvertence, in all 311 workmen had been wrongly shown in the earlier statement of 5th January, 1963, as being engaged on production work. Deleting those 311 workmen, the result is that according to the company there were in all 1850 workmen employed in all the three mines, who were engaged on production work, but who were not paid production bonus. The company on 25th March 1963 filed detailed statements of its employees in its said three mines. The particulars of those who are on the work-charged and those on the nominal muster roll in case of the three mines is as follows:—

WORK-CHARGED

Rajhara		Nandini		Hirri	
Mechanised	Manual	Mechanised	Manual	Mechanised	Manual
290	152	211	188	77	Nil
<i>Nominal Muster Roll</i>					
361	127	239	205	Nil	Nil

30. I may here state that N.M.R. employees are those whose names are placed in the nominal muster roll and work-charged are those whose wages are debited or charged to that particular work. It is not denied that workmen both in the work-charged and the N.M.R. have been in service for several years. It may be stated that in the steel plant section there is no N.M.R. labour and it was stated that except in the Engineering Department of the steel plant there are no work-charged employees. It may also be noticed here that under a conciliation agreement dated 3rd November 1962, the company agreed to put all N.M.R. employees of these three mines who have put in 6 months' continuous service as on 31st July 1962 on the work-charged establishment. It may also be noticed that the work-charged establishment people get a mining allowance of 12½ per cent which is not paid to the N.M.R. under the agreement of 3rd November, 1962. At the hearing on 22nd January 1963, it was stated that if production bonus were to be allowed to these 1850 workmen, who are admittedly working on the production side, but who are at present excluded from payment of production bonus the burden at a rough estimate of paying production bonus to them would amount to about Rs. 45,000 per month and that at present the company is paying only about Rs. 30,000 to Rs. 35,000 per month by way of production bonus in the mines.

31. The representatives of the parties at the hearing made detailed submissions about the workmen working in various departments and the nature of their duties but no oral evidence was led by either union in support of its statement with regard to the duties of those various departments. It is, however, quite clear that there are many existing anomalies with regard to categories of workmen to whom production bonus is paid and others who are excluded from payment of production bonus, but at the hearing before me Shri Mishra for the management stated that the management would look into cases where the existing anomalies needed to be corrected and I am satisfied that the management is sincere in its efforts to do justice in this matter. In the absence of adequate material being placed before me in respect of several categories and departments which the union claimed were also engaged on production work, I am not in a position to direct their inclusion in the scheme for payment of production bonus. The company stated that though on principle it would be difficult to accede to the union's demand to give production bonus to the work-charged and N.M.R. workmen working even in the mechanised zones, it was prepared to grant them bonus out of regard to the fact that they had been working there for a long time and these workmen would be required for the expansion scheme which is now under way. In other words the management offered to pay production bonus to those of the workmen in the work-charged and N.M.R. who are engaged on production work in the Mechanised zones in each of their three mines. The management, however, stated that it could not agree to pay production bonus to workmen working in the manual zone of the production side because it finds it difficult to fix any satisfactory norms for payment of production bonus for the workmen of the manual zone. It may here be noticed that under the existing bonus scheme, it is only the production from the mechanised zone that forms the target for calculation and payment of production bonus. The management pointed out that the difficulty with regard to working out a satisfactory norm for payment of production bonus to the manual zone workers was that their production was obtained through contractors and that the iron ore obtained from manual mining was supplied not only to the Bhilai Steel Plant but also to other steel plants of the Hindustan Steel Ltd., viz., the Rourkela and Durgapur plants. Shri Mishra, however, fairly agreed that the company would pay production bonus to blasters from amongst the manual workers as it required their services in the mechanised zone also. He further stated that if the bonus scheme at the plant was extended to other categories who are at present excluded the same categories in the mines would also be paid production bonus. I was inclined to the view that the benefit of the production bonus should also be extended to the workers working on the production side in the manual zone, but I realise the difficulty stated by the management of fixing adequate norms for including them in the production bonus scheme, as there is the complication of these workers working in a section where work is done through contractors. I am, therefore, not directing payment of production bonus to the employees engaged in production work in the manual zone sections, but I would recommend that the management in consultation with the union should try and work out satisfactory norms for a production bonus scheme for these manual section workers, who are admitted by the management to be working on the production side. Considering that these manual zone workers working in the production zone directly contribute to the production, it is but fair that efforts should be made to work out a satisfactory systems of norms on which production bonus could be paid to them.

32. After giving a careful consideration to all the facts and circumstances of the case, I consider that for the present the offer made by Shri Mishra as stated

above should form the basis of the Award. I, therefore, direct that production bonus should also be paid to all those workers on the mechanised zone whether works-charged or on the N.M.R. in the three mines, who are working on the production side.

33. With regard to the date from which this benefit should be granted, Shri Mishra pointed out that since July 1962, the management has stopped further recruitment of work-charged and N.M.R. in the mines as the Standing Orders had been certified by the authority under the Industrial Employment (Standing Orders) Act, under which its employers had been divided into temporary and permanent workmen. Shri Mishra stated that the management would find it difficult to fix the benefit of bonus scheme to the work-charged and N.M.R. workers who have not completed 12 months as on 1st January 1962. He suggested that thereafter those who had completed 12 months' service after 1st December 1961, should only be brought under the bonus scheme. I am, however, not satisfied that there is any justification for not granting these workmen who are working on the production side on the mechanised zones of the mines production bonus from 1st December 1961, from which date the payment of production bonus was promised by the General Manager's Circular dated 31st December 1961 and the Mine's Bonus Scheme came into force. I, therefore, hold that the exclusion of the categories of workmen engaged in production work in the mechanised zones of the 3 mines of the Bhilai Steel Project is not justified, and direct that production bonus under my award be paid to all the workmen, whether works-charged or on the N.M.R. in the Mechanised Zone on the production side in the three mines, viz., the Rajhara, the Nandini and the Hirri, Mines, with respective effect from 1st December 1961, and that the payment found due to them should be paid within 2 months from the date this Award comes into force.

34. As the unions have succeeded to a certain extent and as there have been protracted hearings of this dispute both at Bombay and Bhilai, I award Rs. 500 as costs to each of the two unions on record i.e., the Bhilai Steel Workers' Union and the Samyukta Khadan Mazdoor Sangh, to be paid by the company within a month of the date this award becomes enforceable.

Sd./- SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal.
Bombay.
[No. 23/22/62-LRII.]

ORDERS

New Delhi, the 10th June 1963

S.O. 1723.—In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following amendment in the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 2017, dated the 22nd August, 1961, published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 28th August, 1961, namely:—

In the Schedule appended to the said Order, the words "after the 17th November, 1960" shall be omitted.

[No. 51(29)/61-LRIV.]

New Delhi, the 11th June 1963

S.O. 1724.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the South Balliari Colliery, Post Office Kusunda (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri R. N. Dubey, Munshi, by the management of South Balliari Colliery with effect from the 3rd April 1963 is legal and proper. If not, to what relief is he entitled?

[No. 2/19/63-LRII.]

New Delhi, the 15th June 1963

S.O. 1725.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Digwodihi Colliery owned by Messrs. Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora (District Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Ashraf, Electric Fitter, Digwadihi Colliery, Post Office Jealgora (District Dhanbad), owned by Messrs. Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora (District Dhanbad) with effect from 17th January, 1963 was justified? If not to what relief is he entitled?

[No. 2/15/63-LRII.]

S.O. 1726.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the East Baraboni Colliery, Post Office Charanpur, Burdwan, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of East Baraboni Colliery, Post Office Charanpur, Burdwan was justified in refusing to employ Shri Hari Singh. If not, to what relief is he entitled?

[No. 6/11/63-LRII.]

P. R. NAYAR, Under Secy.

New Delhi, the 12th June 1963

S.O. 1727.—In pursuance of the provisions of sub-paragraph (1) of paragraph 19 of Employees' Provident Funds Scheme, 1952, made under section 5 of the Employees' Provident Funds Act, 1952 (19 of 1952) and in supersession of the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 1178, dated the 11th April, 1962, published in Section 3(ii) of part II of the Gazette of India of the 21st April, 1962, the Central Government hereby appoints Shri A. P. Veera Raghavan as the Commissioner for the Employees' Provident Fund with effect from the forenoon of the 4th June, 1963, for the territories to which the said Act extends.

[No. 15(13)/63-OF.I.]

New Delhi, the 13th June, 1963.

S.O. 1728.—In pursuance of clause (a) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby nominates, Shri Madhav Rajwade as the Chairman of the Regional Committee set up for the State of Maharashtra in the vacancy caused by resignation of Shri S. E. Sukthankar, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1286, dated the 27th May, 1961, namely:—

In the said notification, in item 1, for the entries "Shri S.E. Sukthankar" the entries,

"Shri Madhav Rajwade", shall be substituted.

[No. 12(1)/63-PF. II.]

S.O. 1729/PWA/Sec. 7(2) (ii)/Rules.—In pursuance of clause (ii) of sub-section (2) of section 7 and in exercise of the powers conferred by sub-sections (2) and (4) of section 26, read with section 24, of the Payment of Wages Act, 1936 (4 of 1936), the draft of the following rules is published, as required by sub-section (5) of the said section 26, and notice is hereby given that the said draft will be taken into consideration on or after the 25th September, 1963.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government. Such objections or suggestions should be addressed to the Secretary to the Government of India in the Ministry of Labour and Employment, New Delhi.

DRAFT RULES

1. **Title, application and extent.**—(1) These rules may be called the Payment of Wages (Deductions for National Defence Fund and Defence Savings Schemes) Rules, 1963.

(2) These rules shall apply to persons employed on railways, mines and oil-fields.

(3) They extend to the whole of India except the State of Jammu and Kashmir.

2. **Definitions.**—In these rules,—

(a) 'Act' means the Payment of Wages Act, 1936;

(b) 'section' means a section of the Act.

3. **Conditions for making deductions.**—The conditions for making deductions in pursuance of clause (ii) of sub-section (2) of section 7 from the wages of the employed persons for contribution to the National Defence Fund or to any Defence Savings Scheme approved by the State Government with the written authorisation of the President or Secretary of the registered trade union of which the employed person is a member shall be as follows—

(a) the president or, in his absence, the secretary of such trade union shall forward,—

(i) in duplicate to the employer, a copy of the list of the employed persons who are members of the trade union indicating therein the amount or extent of deductions which are to be made from the wages of each employed person, and a copy of the resolution adopted at a meeting of such trade union authorising such deductions; and

(ii) a copy of the said list and resolution to the person who acts as an Inspector for the purposes of the Act;

(b) the employer shall display in a conspicuous place of the establishment one of the two copies of the said list and resolution received from the president or secretary, as the case may be, of the trade union, for at least a period of three consecutive days immediately preceding the day on which the deductions are to be made from the wages of the employed persons; and

(c) if an employed person objects in writing to deductions being made from his wages upto the amount or extent of deductions indicated

in the list displayed by the employer, no deductions shall be made from his wages except in accordance with the written authorisation of such employed person.

4. Repeal and savings.—The notification No. S.O. 3849/PWA/Sec. 7(2)(ii)/62, dated the 13th December, 1962, published in the Gazette of India Part II Sec. 3 (ii), dated the 22nd December, 1962 is hereby rescinded but all acts done or purported to have been done under the said notification shall so far as they are not inconsistent with these rules, be deemed to have been done under these rules.

[No. 535/30/63/Fac.]

P. D. GAIHA, Under Secy.

New Delhi, the 17th June 1963

S.O. 1730.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 30th June, 1963, as the date on which the provisions of the Chapter IV (except sections 44 and 45 which have already been brought into force), and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas of Bhadaninagar and Marhowrah in the State of Bihar, namely:—

I. Bhadaninagar:

The area within the revenue village of Lapunga, in Revenue Thana Ramgarh, Revenue Thana No. 56, in District Hazaribagh.

II. Marhowrah:

The area within the revenue village of Marhowrah, in Revenue Thana Parsa, Revenue Thana No. 154, in District Saran.

[No. F. 13(27)/63-HI]

CORRIGENDUM

New Delhi, the 22nd June 1963

S.O. 1731.—In the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 44 dated the 26th December, 1962, published on page 63 in Part II, Section 3, sub-section (ii), of the Gazette of India, dated the 5th January, 1963:—

In clause (b) of Item V, for 'Bahar Bisiwabar No. 214' read 'Bahar Bisinabar No. 214'.

[No. F. 13(16)/62-HI]

O. P. TALWAR, Under Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 15th June 1963

S.O. 1732.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of sub-clause (i) of clause (c) of sub-section (1) of section 10 of the said Act shall not apply to the Punjab Co-operative Bank Ltd., Amritsar till the 15th September, 1963 in so far as the said provisions prohibit its Managing Director from being a director of the following companies:—

1. The Central India Electric Supply Co., Ltd.
2. The Straw Board Manufacturing Co., Ltd.
3. The Behar Potteries Ltd.
4. The Prem Spinning & Weaving Mills Co., Ltd.

5. The Co-operative Assurance Co., Ltd.
6. The General Mines and Quarries Ltd.
7. The Punjab Flour & General Mills Co., Ltd.
8. The Punjab Trading Co., Ltd.
9. The Gwallior Forest Products Ltd.

[No. F. 15(17)-BC/63.]

B. J. HEERJEE, Under Secy.

(Department of Economic Affairs)

New Delhi, the 17th June 1963

S.O. 1733.—Statement of the Affairs of the Reserve Bank of India, as on the 7th June, 1963.

BANKING DEPARTMENT

LIABILITIES	Rs.		ASSETS	Rs.
Capital paid up	59,00,00,000		Notes	21,49,34,000
Reserve Fund	80,00,00,000		Rupee Coin	2,34,000
National Agricultural Credit (Long Term Operations) Fund	61,00,00,000		Small Coin	2,93,000
National Agricultural Credit (Stabilisation) Fund	7,00,00,000		National Agricultural Credit (Long Term Operations) Fund	
			(a) Loans and Advances to :—	
<i>Deposits :—</i>			(i) State Governments	27,17,01,000
(a) Government			(ii) State Co-operative Banks	9,04,87,000
(i) Central Government	70,95,11,000		(iii) Central Land Mortgage Banks	
(ii) State Governments	7,11,41,000		(b) Investment in Central Land Mortgage Bank	
(b) Banks			Debtentures	2,84,88,000
(i) Scheduled Banks	74,69,84,000		National Agricultural Credit (Stabilisation) Fund	
(ii) State Co-operative Banks	1,88,22,000		Loans and Advances to State Co-operative Banks . . . . .	..
(iiii) Other Banks	4,75,000		Bills purchased and Discounted :—	
(c) Others	168,54,54,000		(a) Internal . . . . .	..
Bills Payable	20,91,04,000		(b) External . . . . .	..
Other Liabilities	81,12,02,000		(c) Government Treasury Bills	56,99,37,000
			Balances held Abroad*	5,41,65,000
			Loans and Advances to Governments**	49,40,88,000
			Loans and Advances to :—	
			(i) Scheduled Banks†	24,53,02,000
			(ii) State Co-operative Banks††	114,43,30,000
			(iii) Others	3,05,67,000
			Investments	234,37,63,000
			Other Assets	38,44,84,000
	Rupees			Rupees
	587,27,73,000			587,27,73,000

*Includes Cash and Short-term Securities.

**Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† Includes Rs. 9,35,00,000 advanced to scheduled banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 12th day of June, 1963.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 7th day of June, 1963.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department .	21,49,34,000		Gold Coin and Bullion :—		
Notes in circulation	2313,98,80,000		(a) Held in India	117,76,10,000	
Total Notes issued		2335,48,14,000	(b) Held outside India . . . . .	..
			Foreign Securities	109,08,43,000	
			TOTAL		226,84,53,000
			Rupee Coin		111,20,03,000
			Government of India Rupee Securities		1997,43,58,000
			Internal Bills of Exchange and other commercial paper . . . . .		..
TOTAL LIABILITIES		2335,48,14,000	TOTAL ASSETS		2335,48,14,000

Dated the 12th day of June, 1963.

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(2)-BC/63.]

A. BAKSI, Jt. Secy.

(Department of Economic Affairs)

(Office of the Controller of Capital Issues)

New Delhi, the 17th June 1963

S.O. 1734.—In exercise of the powers conferred by sub-section (1) of section 6 of the Capital Issues (Control) Act, 1947 (29 of 1947), the Central Government hereby exempts the Industrial Credit and Investment Corporation of India, Limited from the provisions of sections 3 and 5 of the said Act, in respect of the Promissory Notes of the value not exceeding the equivalent of D.M. 20,000,000 (twenty million Marks) executed and delivered by the said Corporation to Kreditanstalt für Wiederaufbau, Frankfurt/Main, in terms of the Loan Agreement dated the 26th April, 1963, entered into between the said two parties.

[No. R. 184-CCI/62.]

M. K. VENKATACHALAM, Dy. Secy.

(Department of Revenue)

CUSTOMS

New Delhi, the 22nd June 1963

S.O. 1735.—In exercise of the powers conferred by section 6 of the Customs Act, 1962 (52 of 1962), the Central Government hereby entrusts to the Deputy Directors, Assistant Directors and Assistant Collectors working in the Directorate of Revenue Intelligence, New Delhi, the functions of an Assistant Collector of Customs under sub-section (1) of section 105 of the said Act.

[No. 161.]

S.O. 1736 In exercise of the powers conferred by section 152 of the Customs Act, 1962 (52 of 1962), the Central Government hereby directs that the powers exercisable by a Collector of Customs under the proviso to sub-section (3) of section 46 and under clause (i) of the first proviso to section 61 of the said Act shall also be exercisable by the officers of customs specified in column (1) of the Table below subject to the conditions, if any, specified in the corresponding entries in column (2) thereof :—

TABLE

Customs officer	Conditions
(1)	(2)
1. Deputy Collector of Customs, Visakhapatnam.	
2. Assistant Collector of Customs, Kandla.	
3. Assistant Collector of Customs in charge of Appraising Department, Madras.	When the Collector of Customs is away from headquarters.
4. Assistant Collector of Customs in charge of Appraising Department, Cochin.	When the Collector of Customs is away from headquarters.

[No. 162.]

S. VENKATESAN, Dy. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 11th June 1963

S.O. 1737.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Revenue hereby makes the following amendments in the Schedule appended to its notification S.O. 3439 (No. 76-Income-tax dated the 9th November 1962) namely:—

In the said Schedule against Gwalior Range, after the existing entry "9.B.Ward, Ratlam," the following entry shall be added, namely:—

"10. C-Ward, Ratlam."

Explanatory Note

Note.—This amendment has become necessary on account of the creation of a new ward in the charge of the Commissioner of Income-tax, Madhya Pradesh.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 26 (F. No. 50/11/62-IT.)]

S.O. 1738.—In exercise of the powers conferred by section 126 of the Income-tax Act, 1961 (43 of 1961) the Central Board of Revenue hereby directs that its corrigendum No. 11 (F. No. 55/159/62-IT) dated the 7th March 1963 published as S.O. 641 on page 772 of the Part II Section 3(ii) of the Gazette of India dated the 16th March 1963 be cancelled.

[No. 27 (F. No. 55/159/62-IT.)]

S.O. 1739.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all previous notifications in this regard, the Central Board of Revenue hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the schedule below shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range
1

Income-tax Circles, Wards and Districts
2

'A' Range, Madras

1. Madras Circle I.
2. Madras City Circle II.
3. Madras City Circle V.
4. Madras (Special) Circle.
5. Special Circle, Madras
6. Foreign Section, Madras.
7. Central Circles I & II, Madras.
8. Estate Duty cum Income-tax Circle, Madras.
9. Madras Special (Central) Circle.
10. Special Investigation Circle A, Madras.
11. Special Investigation Circle B, Madras.

'B' Range, Madras

1. Madras City Circle III.
2. Madras City Circle IV.
3. Salaries Circle, Madras.
4. Special Survey Circle No. I, Madras.
5. Special Survey Circle, Madras.
6. Thanjavur Circle.
7. Nagapattinam Circle.
8. Kancheepuram Circle.
9. Cuddalore Circle.

I

2

Tiruchirapalli

1. Tiruchirapalli Circle.
2. Pudukottai Circle.
3. Karalkudi Circle.
4. Dindigul Circle.

Madurai

1. Madurai Circle.
2. Estate Duty cum Income-tax Circle, Madurai.
3. Virudhunagar Circle.
4. Tuticorin Circle.
5. Tirunelveli Circle.
6. Nagercoil Circle.
7. Special Survey Circle, Madurai.

Coimbatore

1. Coimbatore Circle.
2. Special Survey Circle, Coimbatore.
3. Special Investigation Circle, Coimbatore.
4. Estate Duty cum Income-tax Circle, Coimbatore.
5. Erode Circle.
6. Excess Profit Tax Circles, Coimbatore & Erode.
7. Ootacamund Circle.

Salem Range

1. Salem Circle.
2. Estate Duty cum Income-tax Circle, Salem.
3. Vellore Circle.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 1st July 1963.

Explanatory Note

Note.—The amendments have become necessary on account of the Re-organisation of the Appellate Ranges in the charge of Commissioner of Income-tax, Madras.

(This note does not form a part of the notification but is merely clarificatory).

[No. 28(F. No. 50/12/63-IT.)]

New Delhi, the 15th June 1963

S.O. 1740.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961), and in supersession of all the previous notifications in this regard, the Central Board of Revenue hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the schedule below shall perform their functions in respect of all persons and incomes assessed to income-tax or supertax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof :—

SCHEDULE

Range 1	Income-tax Circles, Wards and Districts 2
'A' Range, Bangalore	<ol style="list-style-type: none"> 1. Bangalore City Circle I. 2. Rural Circle, Bangalore. 3. Kolar Circle. 4. Estate Duty-cum-Income-tax Circle, Bangalore.

1	2
'B' Range, Bangalore . . .	<ol style="list-style-type: none"> 1. Bangalore City Circle II. 2. Salary Circle, Bangalore. 3. Special Investigation Circles 'A' & 'B', Bangalore. 4. Bellary Circle. 5. Tumkur Circle.
Mysore Range, Mysore . . .	<ol style="list-style-type: none"> 1. Mangalore Circle. 2. Coorg Circle. 3. Udipi Circle. 4. Mysore Circle. 5. Hassan Circle. 6. Shimoga Circle. 7. Chitaldrug Circle. 8. Estate Duty-cum-Income-tax Circle, Mangalore. 9. Davangere Circle. 10. Special Survey Circle, Dharwar. (in respect of persons who have their principal place of business in or reside within the jurisdiction of Chitaldrug and Davangere Circles)
Dharwar Range, Dharwar . . .	<ol style="list-style-type: none"> 1. Dharwar Circle. 2. Karwar Circle. 3. Hubli Circle. 4. Estate Duty cum-Income-tax Circle, Dharwar. 5. Special Survey Circle, Dharwar (in respect of persons who have their principal place of business in or reside within the jurisdiction of Dharwar, Karwar and Hubli Circles).
Belgaum Range . . .	<ol style="list-style-type: none"> 1. Belgaum Circle. 2. Bijapur Circle. 3. Gulbarga Circle. 4. Raichur Circle. 5. Goa Circle. 6. Special Survey Circle, Dharwar (in respect of persons who have their principal place of business in or reside within the jurisdiction of Belgaum Circle).

Where an Income-tax-Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, on and from the date this notification shall take effect be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall come into force on 15th July, 1963.

Explanatory Note

The amendments have become necessary on account of the Re-organisation of the Appellate Ranges, in the charge of the Commissioner of Income-tax, Mysore.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 30 (F. No. 50/13/63-IT)]

S.O. 1741.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961), and in supersession of all the previous notifications in this regard, the Central Board of Revenue hereby directs that the Appellate Assistant Commissioners of income-tax of the Ranges specified in column 1 of the schedule below shall perform their

functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circle, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range 1	Income-tax Circles, Wards and Districts 2
Poona Range.	All Income-tax Circles and Wards having headquarters at the following Districts :— 1. Poona. 2. Sangli. 3. Satara. 4. Ratnagiri. 5. Kolhapur. 6. Sholapur.
Aurangabad Range.	All Income-tax Circles and Wards having headquarters at the following Districts :— 1. Aurangabad (For Aurangabad and Bhir Districts). 2. Nanded (For Nanded & Parbhani Districts). 3. Jalgaon. 4. Latur.
Nasik Range.	All Income-tax Circles and Wards having headquarters at the following Districts. 1. Nasik. 2. Dhullia. 3. Thana. 4. Panvel. 5. Ahmednagar.
Akola Range.	All Income-tax Circles and Wards having headquarters at the following Districts :— 1. Akola. 2. Wardha. 3. Amravati. 4. Yeotmal. 5. Khamgaon.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments, made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, on and from the date this notification shall take effect be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 1st July 1963.

Explanatory Note

The amendments have become necessary on account of the Re-organisation of the Appellate Ranges in the charge of the Commissioner of Income-tax, Poona.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

No. 31 (F.No. 50/7/62-IT)

J. RAMA IYER, Under Secy.